



Step Up San Marcos
April 1, 2026

Free Speech in Texas Public Schools and Institutions of Higher Education

**A Summary of
Recent Legislation
and Its Impact**

U.S. Constitution, Amendment #1

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Texas Constitution, Article 1. Bill Of Rights

Sec. 8. FREEDOM OF SPEECH AND PRESS; LIBEL. Every person shall be at liberty to speak, write or publish his opinions on any subject, being responsible for the abuse of that privilege; and no law shall ever be passed curtailing the liberty of speech or of the press. In prosecutions for the publication of papers, investigating the conduct of officers, or men in public capacity, or when the matter published is proper for public information, the truth thereof may be given in evidence. And in all indictments for libels, the jury shall have the right to determine the law and the facts, under the direction of the Court, as in other cases.

Texas has Led the Way in Public and Higher Education

- **DEI bans – enrollment, hiring, courses, instructional materials, student support**
- **Increased state and institutional oversight**
- **Tenure changes**
- **Regulation of campus protests and expression**
- **Mechanisms to submit complaints related to speech**

Implications

- **Office closures**
- **Layoffs**
- **Program elimination or reorganization**
- **Increased review of course syllabi**
- **ISDs – pre-emptively removing/revising lessons involving race, gender, or current events; teachers increasingly cautious in classroom discussions**
- **Book challenges and removal from libraries**
- **Revised hiring and compliance systems**
- **Dissolution and replacement of faculty senates**
- **Removal of faculty status and firing of both non-tenure and tenure line faculty**

House Bill 1605 (2023) — Curriculum & Instructional Materials

- **Expands State Board of Education (SBOE) control over instructional materials and curriculum**
- **Creates state approved “high quality instructional materials” (HQIM) that districts are strongly incentivized to adopt**
- **Requires parent access to instructional materials, including online portals**
- **Provides funding incentives for districts that use SBOE approved materials**

House Bill 1605 (con't)

Proponents

- **Standardizes quality of curriculum across districts.**
- **Makes it easier for teachers by providing ready made, aligned materials.**
- **Increases transparency for parents about what is being taught.**

Opponents

- **Shifts power from local districts and teachers to the state.**
- **Risk of politicized content decisions at the SBOE level.**
- **May narrow curriculum and reduce teacher autonomy and creativity.**

Impact

- **Districts are revising curriculum maps to align with HQIM to secure funding.**
- **Teachers report more scripted lessons and less flexibility.**
- **Some districts face tension with parents and boards over which state approved materials to adopt.**

House Bill 900 (2023) — School Libraries & Book Restrictions

- **Requires vendors to rate books for “sexually explicit” or “sexually relevant” content before selling to school libraries – permanent injunction prohibits requirement**
- **Bans “sexually explicit” materials from school libraries; restricts access to “sexually relevant” materials**
- **Gives the Texas Education Agency (TEA) enforcement authority**
- **Applies to all public school libraries (K–12)**

House Bill 900 (con't)

Proponents

- **protects minors from inappropriate sexual content**
- **reassure parents about library content**

Opponents

- **disproportionate impact on LGBTQ+ themed books and books about race and identity**
- **places heavy burdens on librarians, leading to over removal to avoid risk**

Impact

- **many districts have pulled or paused new library purchases while policies are rewritten.**
- **librarians report large review projects and increased book challenges.**
- **students in some districts have reduced access to young adult fiction and identity focused titles.**

Investigations into Public School Teachers

- **Texas Education Agency (TEA) opened investigations into 351 teachers for social media posts made after the death of conservative activist Charlie Kirk**
 - **TEA Commissioner Mike Morath called the posts “reprehensible” and said he would recommend teaching license suspensions**
 - **Gov. Greg Abbott publicly supported the investigations**
 - **Likely unconstitutional because teachers retain First Amendment rights when speaking as private citizens**
- **Classroom comments about politics, even in context of lesson**
- **Criticism of School Board book-removal policies**
- **Discussion of teacher burnout, low pay, and political pressure**
- **Offering support to LGBTQ+ students and criticisms of related laws**
- **Districts have suspended or fired teachers**

Senate Bill 17 (2023) — Prohibition of Diversity, Equity, and Inclusion Activities

- **Bans diversity, equity, and inclusion (DEI) offices at public universities in Texas.**
- **Prohibits the hiring of staff whose roles are primarily focused on DEI efforts.**
- **Limits mandatory DEI training programs for students and staff.**

Senate Bill 17 (con't)

Proponents

- **Supporters argue it promotes a focus on merit rather than identity-based criteria**
- **They believe it prevents what they see as political or ideological bias on campus**
- **Some proponents say it reduces administrative costs**

Opponents

- **Undermines efforts to create inclusive and supportive environments for all students**
- **Could lead to less representation and support for minority groups**
- **Makes it harder for universities to address and prevent discrimination**

Impact

- **DEI-related office closures**
- **Cannot consider race, gender, ethnicity in hiring**
- **Prohibits diversity and bias training**
- **Support programs tailored to minority, underrepresented, or marginalized groups have been shuttered or reorganized**

Senate Bill 18 (2023) — Tenure and Employment of Faculty Members

Tenure Preservation with Tightened Controls

- **did not ban tenure, as originally proposed**
- **adds accountability, performance evaluation requirements, and regular performance reviews for tenured faculty**
- **shifted control over tenure policies from individual institutions to state-governed boards, requiring annual reviews.**

Grounds for Dismissal

Expands criteria for terminating tenured professors, to include incompetence, neglect of duties, or "moral turpitude"

Senate Bill 18 (con't)

Proponents

- **Increases accountability for tenured faculty through structured evaluations**
- **Addresses concerns about faculty who underperform but are difficult to remove under traditional tenure systems.**
- **Preserves tenure while adding oversight, which supporters say strikes a balance between academic freedom and institutional responsibility.**
- **Creates statewide consistency in how tenure is defined and managed.**

Opponents

- **Evaluation criteria may be vague or arbitrary, potentially allowing political or ideological influence**
- **Risk of undermining academic freedom, especially around controversial research or speech**
- **Could make Texas less competitive in recruiting top faculty who prefer stronger tenure protections**

Impact

- **National model**
- **Awaiting development and implementation of criteria and performance reviews**

Senate Bill 37 (2025) — Governance of Public Institutions of Higher Education

Curriculum Review Requirements

- **Requires annual or periodic review of the core curriculum at each public institution**
- **Governing boards must appoint a General Education Review Committee to:**
 - **Review core curriculum courses**
 - **Recommend maintaining or eliminating courses**
 - **Committee members may include industry partners and tenured faculty**
- **Governing boards must ensure courses:**
 - **Are foundational and prepare students for civic/professional life**
 - **Provide breadth of knowledge**
 - **Do not include content defined as “identity politics,” systemic oppression frameworks, or ideological requirements**

Senate Bill 37 (con't)

Faculty Senate / Faculty Council Regulations

- **Governing boards are granted the power to disband faculty senates entirely**
- **Faculty senates' traditional roles (curriculum recommendations, academic policy input) may be overridden or replaced**
- **Restrictions placed on faculty speech in committee deliberations**

Hiring & Governance Structure

Governing boards gain expanded authority over:

Curriculum committees

Degree and certificate program review

Appointment of curriculum committee members (who do not have to include faculty, staff, or students)

Senate Bill 37 (con't)

Proponents

- **Ensures greater oversight of curriculum to maintain academic rigor and civic preparation**
- **Prevents ideological or political content in required courses**
- **Gives governing boards more authority to align curriculum with workforce needs**
- **Standardizes curriculum review processes across institutions**
- **Increases transparency and accountability in faculty governance structures**

Senate Bill 37 (con't)

Opponents

- **Politicizes curriculum by allowing governing boards to remove courses based on ideological criteria**
- **Weakens or eliminates shared governance, a core principle of higher education**
- **Allows governing boards to disband faculty senates, undermining faculty voice in academic matters**
- **Creates curriculum committees that exclude faculty, enabling political control over academic content**
- **Restricts faculty speech in committee settings, raising academic freedom concerns**
- **Could harm Texas's ability to recruit and retain faculty, especially in humanities and social sciences**
- **May reduce innovation and responsiveness in curriculum design**

Senate Bill 37 (con't)

Impact

- **One of the most sweeping restructurings of higher ed governance in Texas history**
- **Shifts power from faculty to governing boards and politically-appointed committees**
- **Introduces ideology-based curriculum restrictions, which may conflict with accreditation bodies.**
- **Significantly alters shared governance, potentially reducing faculty influence on academic matters for decades**
- **Programs of study related to gender, ethnicity, LGBTQI have been eliminated**
- **TXST has retained Center for Diversity and Gender Studies and related classes have been approved**

Senate Bill 2972 (2025) — Expressive Activities at IHEs

- **Defines “expressive activities” to include all First Amendment-protected speech**
- **Narrows who may engage in expressive activities on campus to students and employees only**
- **Eliminates automatic designation of all outdoor campus areas as public forums -- institutions now decide**
- **Allows institutions to impose time, place, and manner restrictions if they are**
 - **narrowly tailored**
 - **content neutral**
 - **viewpoint neutral**
 - **provide alternative means of expression**
- **Prohibits expressive activities between 10 p.m. and 8 a.m.**

Senate Bill 2972 (con't)

Proponents

- **Helps institutions prevent disruptions and maintain campus safety**
- **Gives universities greater control over where and when demonstrations occur**
- **Clarifies definitions of protected speech vs. unprotected conduct**
- **Allows campuses to manage large protests more effectively, especially after recent national unrest**

Opponents

- **Significantly restricts free speech, especially the nighttime ban**
- **Removes public access to campus forums, limiting community participation in protests**
- **Gives administrators broad discretion to designate or restrict public forums, enabling viewpoint discrimination**
- **Could ban innocuous expressive acts (e.g., wearing political apparel) during restricted hours**

Texas State University System Policy

Section 4.7.4. Speaking as a Citizen. The faculty member is a citizen, a member of a learned profession, and an employee of an educational component supported by the State. When the faculty member speaks or writes as a citizen, the faculty member should be free from Component censorship or discipline; but, the faculty member's special position in the community imposes special obligations. As a person of learning and a faculty member of a state funded educational component, the faculty member should remember that the public may judge his or her profession and Component by his or her utterance. Hence, the faculty member should at all times be accurate, exercise appropriate restraint, and should show respect for the opinions of others.

TSUS Speaking as a Citizen Policy (con't)

- **Department and college-level meetings – mood among faculty is somber, concerned, angry, fearful, and confused**
- **Great concern about reprisal for making free speech comments (see quote below from Texas State Policies on free speech) as well as allowing wide-ranging classroom discussions**
- **Growing concern about speaking at any event as an acknowledged TXST faculty member**
- **The provost and leadership talk a good game about supporting free speech and academic freedom, but it doesn't seem to translate into action**
- **Recent actions against faculty have not involved department chairs or college deans – they want to offer support but never get the chance**
- **Significant concerns about the lack of due process**

TSUS Speaking as a Citizen Policy (con't)

Recent TXST faculty investigations and firings for speech

- **Idris Robinson, TXST assistant professor of philosophy**
 - **“Strategic Lessons from the Palestinian Resistance” talk in June 2024 at Another Carolina Anarchist Book Fair in Asheville, NC**
- **Thomas Alter, TXST assistant professor of history**
 - **“Sometimes meaningful change requires revolutionary action” and “Working people have historically had to challenge the state to win their rights”**
 - **Comments he made at 2023 academic conference – circulated online and reported to TX**
 - **Framed by critics as “advocating revolution”**
 - **Actually made during scholarly discussion about labor history, social movements, and political change**



It's Not Too Soon!

Preparing to be an Effective Advocate
for the 2027 Texas Legislative Session

Registration is Required for Room Set-up
Email lifelonglearningsm@gmail.com to register

When: Thursdays: Apr. 9, 16, 30

Where: San Marcos Public Library, Room A

Time: 6:00-7:15pm

Fee: **FREE... donations appreciated**

- Session 1 – Strategic insights into politics and the policymaking process to help frame your approach to presenting your ideas.
- Session 2 – Information on the organization and workings of the Texas Legislature as well as tools for research and bill tracking.
- Session 3 – Specific framework for crafting communications to policymakers as well as strategies to amplify your voice by partnering with others.