

1-1 By: Creighton S.B. No. 2972
1-2 (In the Senate - Filed March 14, 2025; April 7, 2025, read
1-3 first time and referred to Committee on Education K-16;
1-4 April 28, 2025, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 8, Nays 2; April 28, 2025,
1-6 sent to printer.)

1-7	COMMITTEE VOTE				
1-8		Yea	Nay	Absent	PNV
1-9	Creighton	X			
1-10	Campbell	X			
1-11	Bettencourt			X	
1-12	Hagenbuch	X			
1-13	Hinojosa of Nueces	X			
1-14	King	X			
1-15	Menéndez		X		
1-16	Middleton	X			
1-17	Parker	X			
1-18	Paxton	X			
1-19	West		X		

1-20 COMMITTEE SUBSTITUTE FOR S.B. No. 2972 By: Paxton

1-21 A BILL TO BE ENTITLED
1-22 AN ACT

1-23 relating to expressive activities at public institutions of higher
1-24 education.

1-25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-26 SECTION 1. Sections 51.9315(a)(2), (3), and (4), Education
1-27 Code, are amended to read as follows:

1-28 (2) "Expressive activities" means any speech or
1-29 expressive conduct protected by the First Amendment to the United
1-30 States Constitution or by Section 8, Article I, Texas Constitution,
1-31 and includes assemblies, protests, speeches, the distribution of
1-32 written material, the carrying of signs, and the circulation of
1-33 petitions. The term does not include:

- 1-34 (A) commercial speech;
- 1-35 (B) defamation;
- 1-36 (C) unlawful harassment;
- 1-37 (D) incitement to imminent unlawful activity;
- 1-38 (E) obscenity; or
- 1-39 (F) threats to engage in unlawful activity.

1-40 (3) "Governing board" and "institution [~~"Institution"~~]
1-41 of higher education" have [~~has~~] the meanings [~~meaning~~] assigned by
1-42 Section 61.003.

1-43 (4) "Student organization" includes any organization
1-44 that is composed [~~mostly~~] of students enrolled at an institution of
1-45 higher education and that receives a benefit from the institution.

1-46 SECTION 2. Section 51.9315, Education Code, is amended by
1-47 amending Subsections (b), (c), (d), and (f) and adding Subsections
1-48 (d-1) and (k) to read as follows:

1-49 (b) It is the policy of this state and the purpose of this
1-50 section to protect the expressive rights of persons guaranteed by
1-51 the constitutions of the United States and of this state by:

1-52 (1) recognizing freedom of speech and assembly as
1-53 central to the mission of institutions of higher education; and

1-54 (2) ensuring that students enrolled at and employees
1-55 of an institution of higher education [~~all persons~~] may assemble
1-56 peaceably on the campuses of the institution [~~institutions of~~
1-57 ~~higher education~~] for expressive activities, including to listen to
1-58 or observe the expressive activities of others.

1-59 (c) An institution of higher education shall[~~+~~
1-60 [~~(1) ensure that the common outdoor areas of the~~

~~institution's campus are deemed traditional public forums, and~~
~~[(2)] permit students enrolled at and employees of the~~
~~institution [any person] to engage in expressive activities in the~~
~~common outdoor [those] areas of the institution's campus freely, as~~
~~long as the expressive activity [person's conduct]:~~

~~(1) [(A)] is not unlawful; and~~
~~(2) [(B)] does not materially and substantially~~
~~disrupt the functioning of the institution.~~

(d) Notwithstanding Subsection (c), an institution of higher education may adopt a policy that imposes reasonable restrictions on the time, place, and manner of expressive activities of students enrolled at and employees of the institution in the common outdoor areas of the institution's campus if those restrictions:

(1) are reasonable in light of the purpose of the area to which the restrictions apply ~~[narrowly tailored to serve a significant institutional interest];~~

(2) employ clear, published, content-neutral, and viewpoint-neutral criteria;

(3) provide for ample alternative means of expression; and

(4) allow students enrolled at and employees of the institution ~~[members of the university community]~~ to assemble or distribute written material without a permit or other permission from the institution.

(d-1) The governing board of an institution of higher education may designate the areas on the institution's campus that are public forums, consistent with the First Amendment to the United States Constitution and Section 8, Article I, Texas Constitution.

(f) Each institution of higher education shall adopt a policy detailing ~~[students']~~ rights and responsibilities regarding expressive activities at the institution. The policy must:

(1) allow:
 (A) students enrolled at and employees of the institution ~~[any person]~~ to, subject to reasonable restrictions adopted under Subsection (d), engage in expressive activities on campus, including by responding to the expressive activities of others; and

(B) student organizations and faculty to, subject to Subdivision (2)(B)(ii) and Subsection (h), invite speakers to speak on campus;

(2) prohibit:
 (A) using a device to amplify sound while engaging in expressive activities on campus during class hours;

(B) during the last two weeks of a semester or term, engaging in expressive activities:

(i) in the common outdoor areas of the institution's campus in a manner that materially and substantially disrupts the functioning of the institution;

(ii) by inviting speakers to speak on campus;

(iii) by using a device to amplify sound; or
 (iv) by using drums or other percussive instruments;

(C) camping or erecting tents or other living accommodations on campus;

(D) wearing a mask, facial covering, disguise, or other means of concealing a person's identity while engaging in expressive activities on campus with the intent to:

(i) obstruct the enforcement of the institution's rules or the law by avoiding identification;

(ii) intimidate others; or

(iii) interfere with an institution employee's or a peace officer's lawful performance of a duty;

(E) lowering the institution's flag of the United States or of this state with the intent to raise the flag of another nation or a flag representing an organization or group of people; and

3-1 (F) engaging in expressive activities on campus
3-2 between the hours of 10 p.m. and 8 a.m.;

3-3 (3) [~~42~~] establish disciplinary sanctions for
3-4 students, student organizations, or employees [~~faculty~~] who unduly
3-5 interfere with the expressive activities of others on campus or
3-6 violate an institution policy or state law;

3-7 (4) [~~3~~] include a grievance procedure for
3-8 addressing complaints of a violation of this section;

3-9 (5) require students enrolled at or employees of the
3-10 institution to present proof of identity and status at the
3-11 institution on request by a peace officer on the institution's
3-12 campus engaging in an official duty;

3-13 (6) [~~4~~] be approved by a majority vote of the
3-14 institution's governing board before final adoption; and

3-15 (7) [~~5~~] be posted on the institution's Internet
3-16 website.

3-17 (k) Nothing in this section limits the authority of an
3-18 institution of higher education to adopt rules differentiating
3-19 between the rights of students and employees to engage in
3-20 expressive activities on campus and those of persons not affiliated
3-21 with the institution.

3-22 SECTION 3. Section 51.9315, Education Code, as amended by
3-23 this Act, applies beginning with the 2025-2026 academic year.

3-24 SECTION 4. This Act takes effect immediately if it receives
3-25 a vote of two-thirds of all the members elected to each house, as
3-26 provided by Section 39, Article III, Texas Constitution. If this
3-27 Act does not receive the vote necessary for immediate effect, this
3-28 Act takes effect September 1, 2025.

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