

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

	Yea	Nay	Absent	PNV
1-8 Creighton	X			
1-9 Campbell	X			
1-10 Bettencourt			X	
1-11 Hagenbuch	X			
1-12 Hinojosa of Nueces	X			
1-13 King	X			
1-14 Menéndez		X		
1-15 Middleton	X			
1-16 Parker	X			
1-17 Paxton	X			
1-18 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~~]  
 1-42 assigned by 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~~

2-1 ~~institution's campus are deemed traditional public forums, and~~  
 2-2 ~~[(2)]~~ permit students enrolled at and employees of the  
 2-3 institution [any person] to engage in expressive activities in the  
 2-4 common outdoor [those] areas of the institution's campus freely, as  
 2-5 long as the expressive activity ~~[person's conduct]~~:  
 2-6 (1) [(A)] is not unlawful; and  
 2-7 (2) [(B)] does not materially and substantially  
 2-8 disrupt the functioning of the institution.  
 2-9 (d) Notwithstanding Subsection (c), an institution of  
 2-10 higher education may adopt a policy that imposes reasonable  
 2-11 restrictions on the time, place, and manner of expressive  
 2-12 activities of students enrolled at and employees of the institution  
 2-13 in the common outdoor areas of the institution's campus if those  
 2-14 restrictions:  
 2-15 (1) are reasonable in light of the purpose of the area  
 2-16 to which the restrictions apply [narrowly tailored to serve a  
 2-17 significant institutional interest];  
 2-18 (2) employ clear, published, content-neutral, and  
 2-19 viewpoint-neutral criteria;  
 2-20 (3) provide for ample alternative means of expression;  
 2-21 and  
 2-22 (4) allow students enrolled at and employees of the  
 2-23 institution [members of the university community] to assemble or  
 2-24 distribute written material without a permit or other permission  
 2-25 from the institution.  
 2-26 (d-1) The governing board of an institution of higher  
 2-27 education may designate the areas on the institution's campus that  
 2-28 are public forums, consistent with the First Amendment to the  
 2-29 United States Constitution and Section 8, Article I, Texas  
 2-30 Constitution.  
 2-31 (f) Each institution of higher education shall adopt a  
 2-32 policy detailing ~~[students']~~ rights and responsibilities regarding  
 2-33 expressive activities at the institution. The policy must:  
 2-34 (1) allow:  
 2-35 (A) students enrolled at and employees of the  
 2-36 institution [any person] to, subject to reasonable restrictions  
 2-37 adopted under Subsection (d), engage in expressive activities on  
 2-38 campus, including by responding to the expressive activities of  
 2-39 others; and  
 2-40 (B) student organizations and faculty to,  
 2-41 subject to Subdivision (2)(B)(ii) and Subsection (h), invite  
 2-42 speakers to speak on campus;  
 2-43 (2) prohibit:  
 2-44 (A) using a device to amplify sound while  
 2-45 engaging in expressive activities on campus during class hours;  
 2-46 (B) during the last two weeks of a semester or  
 2-47 term, engaging in expressive activities:  
 2-48 (i) in the common outdoor areas of the  
 2-49 institution's campus in a manner that materially and substantially  
 2-50 disrupts the functioning of the institution;  
 2-51 (ii) by inviting speakers to speak on  
 2-52 campus;  
 2-53 (iii) by using a device to amplify sound; or  
 2-54 (iv) by using drums or other percussive  
 2-55 instruments;  
 2-56 (C) camping or erecting tents or other living  
 2-57 accommodations on campus;  
 2-58 (D) wearing a mask, facial covering, disguise, or  
 2-59 other means of concealing a person's identity while engaging in  
 2-60 expressive activities on campus with the intent to:  
 2-61 (i) obstruct the enforcement of the  
 2-62 institution's rules or the law by avoiding identification;  
 2-63 (ii) intimidate others; or  
 2-64 (iii) interfere with an institution  
 2-65 employee's or a peace officer's lawful performance of a duty;  
 2-66 (E) lowering the institution's flag of the United  
 2-67 States or of this state with the intent to raise the flag of another  
 2-68 nation or a flag representing an organization or group of people;  
 2-69 and

