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HOUSE BILL NO. 1473

Offered January 23, 2026

A BILL to amend and reenact § 23.1-401 of the Code of Virginia, relating to public institutions of higher education; students and campus; restrictions on student speech; limitations.

Patron—Schmidt

Referred to Committee on Education

Be it enacted by the General Assembly of Virginia:**1. That § 23.1-401 of the Code of Virginia is amended and reenacted as follows:****§ 23.1-401. Restrictions on student speech; limitations.**

A. No public institution of higher education shall impose restrictions on the time, place, and manner of student speech that (i) occurs in the outdoor areas of the institution's campus and (ii) is protected by the First Amendment to the ~~United States~~ Constitution of the United States unless the restrictions ~~(a) are:~~

1. Are reasonable; ~~(b) are in relation to the circumstances;~~
2. Are justified without reference to the content or viewpoint of the regulated speech; ~~(c) are;~~
3. Are narrowly tailored to serve a significant governmental interest, as evidenced by specific and articulable facts consistent with subsection D; and ~~(d) leave~~
4. Leave open ample alternative channels for communication of the information.

B. No public institution of higher education shall:

1. Require prior administrative approval, registration, or official sponsorship as a condition of any students assembling in an outdoor area of campus;

2. Prohibit the use of amplified sound during a student assembly conducted during daytime hours and in outdoor campus spaces that are not adjacent to academic buildings, provided, however, that restrictions on the volume of amplified sound may be imposed consistent with the provisions of subsection A;

3. Withhold the award of any degree from a student solely on the basis of such student's participation in any student assembly, regardless of whether such student assembly was permitted or prohibited;

4. Restrict expressive activity to designated zones of outdoor areas of campus outside of which expressive activity is prohibited; and

5. Maintain a letter of concern or a record of disciplinary action relating to participation in an assembly in the personnel file or record of any student, faculty member, or staff member for more than one year after the incident.

C. Any public institution of higher education that imposes a restriction on and deems unlawful any student speech or assembly under this section shall submit to the Senate Committee on Education and Health and the House Committee on Education within 45 days of imposing such restriction a report detailing the perceived threat that justified the restriction of the speech or assembly as unlawful, including a detailed demonstration of how the restriction satisfied each factor set forth in subsection A.

D. A restriction shall be deemed narrowly tailored to serve a significant governmental interest pursuant to subdivision A 3 only if (i) the interest at which the restriction is aimed is the prevention of a material and substantial disruption to the rights of other students, faculty, and administrators to a safe educational environment free from disruptive interference to the educational process and (ii) the restriction could not be removed and the burden on speech imposed by the restriction could not be reduced without materially interfering with the significant governmental interest. Fear or apprehension of disruptive potential of the restricted speech shall not be sufficient to establish the existence of a significant governmental interest.

INTRODUCED

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