

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 898

Introduced by Haar, 21; Avery, 28; McGill, 26.

Read first time January 12, 2010

Committee: Education

A BILL

1 FOR AN ACT relating to students; to adopt the Student Expression

2 Act.

3 Be it enacted by the people of the State of Nebraska,

1 Section 1. This act shall be known and may be cited as
2 the Student Expression Act.

3 Sec. 2. The Legislature finds that the State of Nebraska
4 has an obligation to protect the First Amendment rights of
5 public school students in order to instill in students the value
6 of democracy and to prepare students for informed and active
7 civic participation. To that end, the right of students to free
8 expression in all public schools in Nebraska shall not be abridged
9 except as provided in the Student Expression Act.

10 Sec. 3. For purposes of the Student Expression Act,
11 student expression includes the right of a student to express his
12 or her thoughts and beliefs through speech and symbols; create,
13 write, publish, perform, and disseminate his or her views; and
14 assemble peaceably with other students on school property for the
15 purpose of expressing opinions.

16 Sec. 4. The following forms of student expression are
17 prohibited:

- 18 (1) Student expression which is obscene;
- 19 (2) Student expression which is defamatory; and
- 20 (3) Student expression which creates a clear and present
21 danger of unlawful acts, causes material and substantial disruption
22 of the orderly operation of the school, violates the privacy rights
23 of others, or is otherwise unprotected by the First Amendment.

24 Sec. 5. No student expression made in the exercise of
25 a First Amendment right shall be deemed to be an expression of

1 school policy, and no public school, school district, teacher,
2 administrator, or school board member shall be held responsible or
3 liable in any civil or criminal action for any student expression.

4 Sec. 6. No certificated public school employee or
5 administrator shall be fired, transferred, reassigned, or removed
6 from his or her position for supporting the rights of student
7 expression protected by the Student Expression Act if such employee
8 or administrator is acting within the guidelines of the code of
9 ethics of his or her profession.

10 Sec. 7. The school board of each school district shall
11 adopt a written student expression policy which shall include
12 the provisions of sections 3 and 4 of this act and shall also
13 include, but need not be limited to, reasonable provisions for the
14 time, place, and manner of student expression and which shall be
15 distributed to all students at the beginning of each school year.