



Connecticut Association of Boards of Education, Inc.

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**Testimony
Submitted to the
Judiciary Committee**

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SB 1056 AN ACT CONCERNING STUDENTS' RIGHTS TO FREE SPEECH

The Connecticut Association of Boards of Education opposes SB 1056, An Act Concerning Students' Rights to Free Speech, which would impose a separate standard upon which to discipline student speech. This is an area that has been addressed extensively in case law, beginning with the case of *Tinker v. DesMoines* in 1969, and most recently in *Doninger v. Niehoff* (Second Circuit 2008).

The standard articulated in these cases is that discipline can be imposed when administrators reasonably forecast that such speech will result in:

- Substantial disruption of the education process
- Material interference with school activities or
- Invasion of the rights of others.

It will create unnecessary confusion to introduce a new standard through legislation. There is no case law to guide administrators as to what would be necessary to show that conduct is "demonstrably likely to cause material and substantial disruption" or what would constitute "mere inconvenience".

We urge you to reject this bill and allow boards of education and administrators to rely upon the long standing guidance of the courts in these areas.