



General Assembly

January Session, 2009

***Raised Bill No. 1056***

LCO No. 4122

\*04122\_\_\_\_\_JUD\*

Referred to Committee on Judiciary

Introduced by:  
(JUD)

***AN ACT CONCERNING STUDENTS' RIGHT TO FREE SPEECH.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective July 1, 2009*) (a) For the purposes of this  
2 section, "school" means any public elementary or secondary school or  
3 public institution of higher education in this state, and "speech" means  
4 any expression, whether written, oral or nonverbal, that is protected  
5 under the first amendment to the United States Constitution or section  
6 4 or 5 of article first of the Constitution of the state.

7 (b) No school may censor or punish speech of a school student,  
8 whether or not the speech is school-sponsored, unless the speech:

9 (1) Is demonstrably likely to cause material and substantial  
10 disruption to the educational process, provided mere inconvenience to  
11 school officials or employees shall not be deemed to constitute  
12 disruption;

13 (2) (A) Is lewd, vulgar or indecent, and (B) occurs on school  
14 premises during school hours or during school-supervised extra-  
15 curricular activities or is school-sponsored; or

16 (3) Materially and substantially invades privacy.

17 (c) Nothing in this section shall prevent faculty advisors or persons  
18 performing the functions of advisors from taking appropriate steps to  
19 ensure that school-sponsored student speech, within their jurisdiction,  
20 meets accepted professional standards.

21 (d) No school employee who acts in good faith shall be discharged,  
22 disciplined, transferred or removed from his or her position for (1)  
23 advising students of their rights under this section, (2) refusing to  
24 violate the provisions of this section, or (3) reporting violations of the  
25 provisions of this section to a superior or other competent authority,  
26 an affected student or such student's parent or guardian or the public.

27 (e) No school district or school shall be held liable for student  
28 speech that is protected under this section. No school district official or  
29 school administrator, teacher or other employee shall be held  
30 personally liable for student speech that is protected under this section  
31 unless such person has, in bad faith, instigated or encouraged such  
32 speech.

33 (f) Any person aggrieved by a violation of the provisions of this  
34 section may bring an action for injunctive or declaratory relief,  
35 damages and a reasonable attorney's fee in any court of competent  
36 jurisdiction.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2009</i>	New section

**Statement of Purpose:**  
To provide protection for certain speech and expression by public school students.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*