

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1034

Introduced by Lippincott, 34; Aguilar, 35; Ballard, 21; Bostelman, 23;
Clements, 2; Hardin, 48; Holdcroft, 36; Ibach, 44; Kauth,
31; Lowe, 37; Meyer, 41; Murman, 38; Sanders, 45.

Read first time January 05, 2024

Committee: Education

- 1 A BILL FOR AN ACT relating to schools; to prohibit a school district from
- 2 punishing an employee for or prohibiting an employee from engaging
- 3 in religious expression when an employee is on duty at school as
- 4 prescribed.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. (1) For purposes of this section, on duty means the
2 specific times a school district employee is:

3 (a) Required by the school district to be on school district
4 property or at another designated location and acting within the scope of
5 the employee's duties; or

6 (b) Otherwise acting as a designated representative of the school
7 district.

8 (2) A school district shall not punish an employee for or prohibit
9 an employee from engaging in private religious expression otherwise
10 protected by the First Amendment to the United States Constitution absent
11 a showing that the employee has engaged in actual coercion.

12 (3) While a school district employee is on duty, the employee may,
13 at a minimum:

14 (a) Engage in religious expression and discussion and share
15 religious materials with other employees at the same time and in the same
16 manner that employees are permitted to engage in nonreligious expression
17 and discussion outside the scope of the employee's duties;

18 (b) Engage in private religious expression at a time when it is
19 otherwise permissible for an employee to engage in private expressive
20 conduct or act outside the scope of the employee's duties;

21 (c) Meet with other district employees for prayer or religious study
22 during times that the employee is allowed to act outside the scope of the
23 employee's duties, including, but not limited to, employee breaks, time
24 before the school day begins, and during the employee's lunch period;

25 (d) Work as a sponsor of a student religious club or organization
26 and assist students in planning meetings, activities, and events to the
27 same extent that employee sponsors of nonreligious clubs or organizations
28 are permitted to do so;

29 (e) Wear religious clothing, symbols, or jewelry, as long as such
30 items otherwise comply with the dress code implemented by the school
31 district;

1 (f) Decorate the employee's desk and other personal space with
2 personal items that reflect such employee's religious beliefs to the same
3 extent that other employees are permitted to decorate such other
4 employee's desk and other personal space with personal items; and

5 (g) During noninstructional time, engage in religious expression and
6 share religious materials to the same extent that other employees may
7 engage in private expression permitted under the First Amendment to the
8 United States Constitution.

9 (4) Nothing in this section shall be construed to:

10 (a) Limit the authority of a school district to:

11 (i) Maintain order and discipline on school district property in a
12 content-neutral and viewpoint-neutral manner;

13 (ii) Protect the safety of students, employees, and visitors; and

14 (iii) Adopt and enforce policies and procedures regarding student
15 speech at school that respects the rights of students; or

16 (b) Authorize the state or any other governmental organization to:

17 (i) Require any person to participate in prayer or religious
18 activity; or

19 (ii) Violate the constitutional rights of any person.