

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
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control over student speech in school-sponsored activities, such as student newspapers and yearbooks, so long as the editorial control is reasonably related to a legitimate pedagogical concern". Now, what is that? And that's what I'm going to try to decipher. But I think that what the Supreme Court said was that editorial control could be exercised, but there are some limitations. And how far and wide those limitations go is not entirely clear to me. But I think it is fair to say that the state of the law is not such that a school can censor everything. And if what we're...what's being suggested here is that if we pass LB 182, the amendment that a school could adopt a policy which is very...which is very restrictive in terms of censorship to the point that it would violate Hazelwood v. Kuhlmeier. I don't think the policy would stand. I don't think so. I think the school would have to be at least consistent with that United States Supreme Court case because that is a constitutional finding; the Constitution supersedes what we pass in statute with regard to that issue. And so I think if we go into this with our eyes open, I think we need to fairly say that when a school adopts a policy pursuant to LB 182, they better read Hazelwood, and they better make sure that it isn't more restrictive than Hazelwood, or I think they...I think they have an invalid, unenforceable policy. That is not to...intended to make this issue more complicated than it is, but I think it's relevant to try to figure out what the limitations are with respect to what a school policy can be. What we are saying, if we go with LB 182, is that we believe every school should have a policy on this. And that may be...that may be right, but if a school doesn't have a policy, then LB 182 will be the policy. And that is a simple...I think it's that...it really boils down to that. We would need to say we believe every school needs to have a policy on this issue. And I would hope that schools would, but if I...

PRESIDENT MAURSTAD: One minute.

SENATOR BROMM: ...pass this law, I'm saying you will have a policy; and unless you draft one yourself or work with your legal counsel and draft one, LB 182 is the policy. So I think that's what we need to feel comfortable with if we're going to pass LB 182. And I'm going to try to figure out a little bit more about what the constraints are in the Hazelwood case.