

Assembly Bill No. 2581

CHAPTER 158

An act to amend Section 66301 of the Education Code, relating to postsecondary education.

[Approved by Governor August 28, 2006. Filed with
Secretary of State August 28, 2006.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2581, Yee. Postsecondary education: student conduct.

Existing law prohibits the Regents of the University of California, upon their adoption of a specified resolution, and the Trustees of the California State University and the governing board of a community college district, from making or enforcing any rule subjecting a student to disciplinary sanction solely on the basis of conduct that is speech or other communication that, when engaged in outside a campus is protected from governmental restriction by specified provisions of the California Constitution or the United States Constitution. Existing law provides that nothing in this provision shall be construed to authorize any prior restraint of student speech.

This bill would additionally prohibit any administrator of any campus of those institutions from making or enforcing any rule subjecting a student to disciplinary sanction solely on the basis of conduct that is speech or other communication that, when engaged in outside a campus, is protected from governmental restriction by specified provisions of the California Constitution or the United States Constitution. The bill would also prohibit its provisions from being construed to authorize any prior restraint of the student press.

The people of the State of California do enact as follows:

SECTION 1. Section 66301 of the Education Code is amended to read:

66301. (a) Neither the Regents of the University of California, the Trustees of the California State University, the governing board of any community college district, nor any administrator of any campus of those institutions, shall make or enforce any rule subjecting any student to disciplinary sanction solely on the basis of conduct that is speech or other communication that, when engaged in outside a campus of those institutions, is protected from governmental restriction by the First Amendment to the United States Constitution or Section 2 of Article 1 of the California Constitution.

(b) Any student enrolled in an institution, as specified in subdivision (a), that has made or enforced any rule in violation of subdivision (a) may commence a civil action to obtain appropriate injunctive and declaratory relief as determined by the court. Upon a motion, a court may award attorney's fees to a prevailing plaintiff in a civil action pursuant to this section.

(c) Nothing in this section shall be construed to authorize any prior restraint of student speech or the student press.

(d) Nothing in this section prohibits the imposition of discipline for harassment, threats, or intimidation, unless constitutionally protected.

(e) Nothing in this section prohibits an institution from adopting rules and regulations that are designed to prevent hate violence, as defined in subdivision (a) of Section 4 of Chapter 1363 of the Statutes of 1992, from being directed at students in a manner that denies them their full participation in the educational process, if the rules and regulations conform to standards established by the First Amendment to the United States Constitution and Section 2 of Article 1 of the California Constitution for citizens generally.