

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 872

Introduced by Brewer, 43; Pansing Brooks, 28.

Read first time January 07, 2022

Committee: Education

- 1 A BILL FOR AN ACT relating to schools; to amend section 85-1601, Reissue
- 2 Revised Statutes of Nebraska; to authorize the wearing of tribal
- 3 regalia by students as prescribed; to define a term; to change
- 4 provisions of the Private Postsecondary Career School Act; to
- 5 provide an operative date; and to repeal the original section.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. (1) A person who is a student attending a school which
2 meets the requirements for legal operation prescribed in Chapter 79 may
3 wear tribal regalia in any public or private location where the person is
4 otherwise authorized to be on such school grounds or at any school
5 function. Nothing in this section limits the authority of administrative
6 and teaching personnel to regulate student behavior as provided in
7 section 79-258 or the authority of a school to regulate student behavior
8 to further school purposes or to prevent interference with the
9 educational process.

10 (2) A school may adopt a policy to accommodate this section. Such
11 policy may specify the characteristics of any garment, jewelry, other
12 adornment, or object that such school finds will endanger the safety of a
13 student or others or interfere with school purposes or the educational
14 process if worn by a student during a specified activity.

15 (3) For purposes of this section, tribal regalia means traditional
16 garments, jewelry, other adornments, or similar objects of cultural
17 significance worn by members of an indigenous tribe of the United States
18 or another country. Tribal regalia does not include any firearm or other
19 dangerous weapon. Tribal regalia also does not include, except in
20 compliance with an appropriate federal permit, any object that is
21 otherwise prohibited by federal law.

22 Sec. 2. Section 85-1601, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 85-1601 Sections 85-1601 to 85-1658 and section 3 of this act shall
25 be known and may be cited as the Private Postsecondary Career School Act.

26 Sec. 3. (1) A person who is a student attending any private
27 postsecondary career school may wear traditional tribal regalia in any
28 public or private location where the person is otherwise authorized to be
29 on such school grounds or at any school function. Nothing in this section
30 limits the authority of administrative and teaching personnel of a
31 private postsecondary career school to regulate student behavior to

1 further school purposes or to prevent interference with the educational
2 process.

3 (2) A private postsecondary career school may adopt a policy to
4 accommodate this section. Such policy may specify the characteristics of
5 any garment, jewelry, other adornment, or object that such school finds
6 will endanger the safety of a student or others or interfere with school
7 purposes or the educational process if worn by a student during a
8 specified activity.

9 (3) For purposes of this section, tribal regalia means traditional
10 garments, jewelry, other adornments, or similar objects of cultural
11 significance worn by members of an indigenous tribe of the United States
12 or another country. Tribal regalia does not include any firearm or other
13 dangerous weapon. Tribal regalia also does not include, except in
14 compliance with an appropriate federal permit, any object that is
15 otherwise prohibited by federal law.

16 Sec. 4. (1) A person who is a student attending any postsecondary
17 institution may wear traditional tribal regalia in any public or private
18 location where the person is otherwise authorized to be on such school
19 grounds or at any school function. Nothing in this section limits the
20 authority of administrative and teaching personnel of a postsecondary
21 institution to regulate student behavior to further school purposes or to
22 prevent interference with the educational process.

23 (2) A postsecondary institution may adopt a policy to accommodate
24 this section. Such policy may specify the characteristics of any garment,
25 jewelry, other adornment, or object that such school finds will endanger
26 the safety of a student or others or interfere with school purposes or
27 the educational process if worn by such student during a specified
28 activity.

29 (3) For purposes of this section:

30 (a) Postsecondary institution has the same meaning as in section
31 85-2403; and

1 (b) Tribal regalia means traditional garments, jewelry, other
2 adornments, or similar objects of cultural significance worn by members
3 of an indigenous tribe of the United States or another country. Tribal
4 regalia does not include any firearm or other dangerous weapon. Tribal
5 regalia also does not include, except in compliance with an appropriate
6 federal permit, any object that is otherwise prohibited by federal law.

7 Sec. 5. This bill becomes operative on July 1, 2023.

8 Sec. 6. Original section 85-1601, Reissue Revised Statutes of
9 Nebraska, is repealed.