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Millard students' free speech case going to trial

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A case accusing Millard Public Schools of violating the free-speech rights of three former students will go to trial, a judge has ruled.

The district had asked that the case be dismissed, but U.S. District Court Judge Laurie Smith-Camp ruled that the students — Dan, Cassie and Nick Kuhr — "had viable claims ... that prevent dismissal."

The case stems from the suspension of 26 students for wearing T-shirts honoring a slain friend.

Administrators at Millard South High School suspended the students in 2008 after they wore T-shirts bearing the phrase "Julius RIP."

The administrators said the shirts violated the school district's dress code because they could be disruptive.

"Essentially, the judge said there's a controversy here that a jury needs to decide," said [Brian Jorde](#), an attorney with Domina Law Group who is representing the Kuhrs. "(RIP), it's a pretty universal phrase."

Millard Public Schools released the following statement: "The federal court decision does not decide the merits of this case, and there is no ruling that the Millard School District has violated the free speech rights of any students. The recent decision simply denies the district's motion for summary judgment, because there are disputed fact issues which must be resolved at trial.

"To protect students and staff and maintain the security of the school, the decision was made to not allow students to wear T-shirts commemorating the death of a student from a drive-by shooting. School officials do not have to wait for disruptions to actually occur. Instead, they can properly act based on information which reasonably forecasts a disruption."

The shirts were designed to honor 18-year-old Julius Robinson, who attended Millard South before he was shot to death in June 2008.

The lawsuit names the Millard district and Superintendent Keith Lutz as defendants.

"The best education helps students deal with life's difficult moments," said ACLU Nebraska Legal Director Amy Miller. "Millard Public Schools lost that opportunity when students' right to commemorate a deceased friend was taken away."

A jury trial has been set for Jan. 24.

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