



February 17, 2017

HOUSE BILL No. 1130

DIGEST OF HB 1130 (Updated February 16, 2017 10:26 am - DI 116)

Citations Affected: IC 20-33; IC 21-41; IC 34-30.

Synopsis: Protections for student journalists. Provides freedom of speech and freedom of press protections for grades 5 through 2 and state educational institution student journalists. Requires school corporations and state educational institutions to adopt policies concerning student journalist protections. Provides that a public school, school corporation, or state educational institution may not suppress school sponsored media unless the content is libelous or slanderous or gratuitously profane. Provides that school sponsored media produced by student journalists is a public forum for expression by student journalists. Provides that public schools, school corporations, and state educational institutions do not incur any liability for school sponsored media produced by a student journalist.

Effective: July 1, 2017.

Clere, DeLaney, Klinker

January 5, 2017, read first time and referred to Committee on Education.
February 16, 2017, amended, reported — Do Pass.

HB 1130—LS 6810/DI 107



February 17, 2017

First Regular Session of the 120th General Assembly (2017)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2016 Regular Session of the General Assembly.

HOUSE BILL No. 1130

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 20-33-12 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2017]:

4 **Chapter 12. Student Journalism**
5 **Sec. 1. (a) As used in this chapter, "school sponsored media"**
6 **means any material that is:**
7 **(1) prepared, written, published, or broadcast by a student**
8 **journalist at a public school; or**
9 **(2) prepared under the direction of a student media adviser.**
10 **(b) The term does not include material that is intended for**
11 **distribution or transmission solely in the classroom in which the**
12 **material is produced.**

13 **Sec. 2. As used in this chapter, "student journalist" means a**
14 **student enrolled in grade 5 through grade 12 in a public school who**
15 **gathers, compiles, writes, edits, photographs, records, or prepares**
16 **information for dissemination in school sponsored media.**

17 **Sec. 3. As used in this chapter, "student media adviser" means**

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1 an individual employed, appointed, or designated by a public
2 school to supervise or provide instruction concerning school
3 sponsored media.

4 Sec. 4. (a) Subject to section 6 of this chapter, a student
5 journalist may exercise freedom of speech and freedom of the press
6 in school sponsored media.

7 (b) This section may not be construed to be limited because
8 school sponsored media is:

9 (1) supported financially by a public school or school
10 corporation; or

11 (2) produced in conjunction with a class in which the student
12 journalist is enrolled.

13 Sec. 5. (a) Subject to section 6 of this chapter, a student
14 journalist is responsible for determining the news, opinions,
15 features, and advertising content in school sponsored media.

16 (b) This section may not be construed to prevent a student
17 media adviser from teaching professional standards of English and
18 journalism to student journalists.

19 Sec. 6. This chapter may not be construed to authorize or
20 protect content of school sponsored media by a student journalist
21 that:

22 (1) is libelous or slanderous;

23 (2) violates federal or state law;

24 (3) incites students to:

25 (A) create a clear and present danger of the commission of
26 an unlawful act;

27 (B) violate a public school or school corporation policy; or

28 (C) materially and substantially disrupt the operation of
29 the public school; or

30 (4) is gratuitously profane.

31 Sec. 7. A student media adviser may not use the adviser's
32 position to influence a student journalist to promote an official
33 position of the public school or school corporation.

34 Sec. 8. A public school or school corporation may not suppress
35 school sponsored media unless the school corporation can prove
36 that the school sponsored media:

37 (1) is libelous or slanderous;

38 (2) violates federal state law;

39 (3) incites students to:

40 (A) create a clear and present danger of the commission of
41 an unlawful act;

42 (B) violate a public school or school corporation policy; or



- 1 (C) materially and substantially disrupt the operation of
- 2 the public school; or
- 3 (4) is gratuitously profane.
- 4 **Sec. 9. A public school or school corporation may not:**
- 5 (1) discipline a student journalist for exercising freedom of
- 6 speech and freedom of the press in school sponsored media;
- 7 or
- 8 (2) dismiss, suspend, discipline, reassign, transfer, or retaliate
- 9 against a student media adviser for:
- 10 (A) protecting a student journalist in exercising freedom of
- 11 speech and freedom of the press in school sponsored
- 12 media; or
- 13 (B) refusing to infringe on a student's conduct that is
- 14 protected under:
- 15 (i) this chapter;
- 16 (ii) the First Amendment to the Constitution of the
- 17 United States; or
- 18 (iii) Article I, Section 9 of the Constitution of the State of
- 19 Indiana.

20 **Sec. 10. Each school corporation shall adopt written policies**
 21 **consistent with this chapter.**

22 **Sec. 11. The speech of a student journalist shall not be**
 23 **considered to be the opinion of a public school or school**
 24 **corporation.**

25 **Sec. 12. A public school or school corporation does not incur any**
 26 **liability for school sponsored media produced by a student**
 27 **journalist.**

28 SECTION 2. IC 21-41-13 IS ADDED TO THE INDIANA CODE
 29 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2017]:

31 **Chapter 13. Student Journalism**

32 **Sec. 1. (a) As used in this chapter, "school sponsored media"**
 33 **means any material that is:**

- 34 (1) prepared, written, published, or broadcast by a student
- 35 journalist at a state educational institution; or
- 36 (2) prepared under the direction of a student media adviser.

37 (b) The term does not include material that is intended for
 38 distribution or transmission solely in the classroom in which the
 39 material is produced or through a closed-circuit cable television
 40 system funded by the state educational institution and maintained
 41 primarily to provide limited cable access and general information
 42 to campus outlets.



1 **Sec. 2.** As used in this chapter, "student journalist" means a
 2 student enrolled in a state educational institution who gathers,
 3 compiles, writes, edits, photographs, records, or prepares
 4 information for dissemination in school sponsored media.

5 **Sec. 3.** As used in this chapter, "student media adviser" means
 6 an individual employed, appointed, or designated by a state
 7 educational institution to supervise or provide instruction
 8 concerning school sponsored media.

9 **Sec. 4. (a)** Subject to section 6 of this chapter, a student
 10 journalist may exercise freedom of speech and freedom of the press
 11 in school sponsored media.

12 **(b)** This section may not be construed to be limited because
 13 school sponsored media is:

- 14 (1) supported financially by a state educational institution; or
- 15 (2) produced in conjunction with a class in which the student
 16 journalist is enrolled.

17 **Sec. 5. (a)** Subject to section 6 of this chapter, a student
 18 journalist is responsible for determining the news, opinions,
 19 features, and advertising content in school sponsored media.

20 **(b)** This section may not be construed to prevent a student
 21 media adviser from teaching professional standards of English and
 22 journalism to student journalists.

23 **Sec. 6.** This chapter may not be construed to authorize or
 24 protect content of school sponsored media by a student journalist
 25 that:

- 26 (1) is libelous or slanderous;
- 27 (2) violates federal state law;
- 28 (3) incites students to:
 - 29 (A) create a clear and present danger of the commission of
 - 30 an unlawful act;
 - 31 (B) violate the state educational institution's policies; or
 - 32 (C) materially and substantially disrupt the operation of
 - 33 the state educational institution; or
- 34 (4) is gratuitously profane.

35 **Sec. 7.** A student media adviser may not use the adviser's
 36 position to influence a student journalist to promote an official
 37 position of the state educational institution.

38 **Sec. 8.** A state educational institution may not:

- 39 (1) discipline a student journalist for exercising freedom of
 40 speech and freedom of the press in school sponsored media;
- 41 or
- 42 (2) dismiss, suspend, discipline, reassign, transfer, or retaliate



1 **against a student media adviser for:**

2 **(A) protecting a student journalist in exercising freedom of**
 3 **speech and freedom of the press in school sponsored**
 4 **media; or**

5 **(B) refusing to infringe on a student's conduct that is**
 6 **protected under:**

7 **(i) this chapter;**

8 **(ii) the First Amendment to the Constitution of the**
 9 **United States; or**

10 **(iii) Article I, Section 9 of the Constitution of the State of**
 11 **Indiana.**

12 **Sec. 9. The speech of a student journalist shall not be considered**
 13 **to be the opinion of a state educational institution.**

14 **Sec. 10. This chapter shall not be construed to authorize the**
 15 **prior restraint of publication or distribution of school sponsored**
 16 **media.**

17 **Sec. 11. All school sponsored media produced primarily by**
 18 **student journalists at a state educational institution is a public**
 19 **forum for expression by the student journalist at the state**
 20 **educational institution.**

21 **Sec. 12. A state educational institution does not incur any**
 22 **liability for school sponsored media produced by a student**
 23 **journalist.**

24 **SECTION 3. IC 34-30-2-85.3 IS ADDED TO THE INDIANA**
 25 **CODE AS A NEW SECTION TO READ AS FOLLOWS**
 26 **[EFFECTIVE JULY 1, 2017]: Sec. 85.3. IC 20-33-12-12 (Concerning**
 27 **public school or school corporation liability for school sponsored**
 28 **media produced by a student journalist).**

29 **SECTION 4. IC 34-30-2-86.2 IS ADDED TO THE INDIANA**
 30 **CODE AS A NEW SECTION TO READ AS FOLLOWS**
 31 **[EFFECTIVE JULY 1, 2017]: Sec. 86.2. IC 21-41-13-12 (Concerning**
 32 **state educational institution liability for school sponsored media**
 33 **produced by a student journalist).**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1130, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 14, after "enrolled" insert "**in grade 5 through grade 12**".

Page 2, line 23, delete "or".

Page 2, line 29, delete "." and insert "; or".

Page 2, between lines 29 and 30, begin a new line block indented and insert:

"(4) is gratuitously profane."

Page 2, line 37, delete "or".

Page 3, line 1, delete "." and insert "; or".

Page 3, between lines 1 and 2, begin a new line block indented and insert:

"(4) is gratuitously profane."

Page 3, between lines 22 and 23, begin a new paragraph and insert:

"Sec. 12. A public school or school corporation does not incur any liability for school sponsored media produced by a student journalist."

Page 3, line 34, delete "." and insert "**or through a closed-circuit cable television system funded by the state educational institution and maintained primarily to provide limited cable access and general information to campus outlets.**".

Page 4, line 19, delete "or".

Page 4, line 25, delete "." and insert "; or".

Page 4, between lines 25 and 26, begin a new line block indented and insert:

"(4) is gratuitously profane."

Page 5, line 5, delete "may" and insert "**shall**".

Page 5, after line 7, begin a new paragraph and insert:

"Sec. 11. All school sponsored media produced primarily by student journalists at a state educational institution is a public forum for expression by the student journalist at the state educational institution.

Sec. 12. A state educational institution does not incur any liability for school sponsored media produced by a student journalist.

SECTION 3. IC 34-30-2-85.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS



[EFFECTIVE JULY 1, 2017]: **Sec. 85.3. IC 20-33-12-12 (Concerning public school or school corporation liability for school sponsored media produced by a student journalist).**

SECTION 4. IC 34-30-2-86.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: **Sec. 86.2. IC 21-41-13-12 (Concerning state educational institution liability for school sponsored media produced by a student journalist).**".

and when so amended that said bill do pass.

(Reference is to HB 1130 as introduced.)

BEHNING

Committee Vote: yeas 13, nays 0.

