



Reprinted
April 5, 2017

ENGROSSED HOUSE BILL No. 1130

DIGEST OF HB 1130 (Updated April 4, 2017 3:00 pm - DI 110)

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 9 through 12 and state educational institution student journalists. Requires each school corporation and charter school to adopt a policy concerning student journalist protections. Provides that a public school or school corporation may not suppress school sponsored media unless certain conditions apply. Provides that public schools, school corporations, and state educational institutions are immune from civil liability for any injury resulting from school sponsored media produced by a student journalist except for acts or omissions that constitute gross negligence or willful, wanton, or intentional misconduct.

Effective: July 1, 2017.

Clere, DeLaney, Klinker, Lucas

(SENATE SPONSORS — HERSHMAN, MELTON, KRUSE, CRANE,
RANDOLPH LONNIE M, LANANE, RUCKELSHAUS, BECKER, GLICK,
LEISING, STOOPS, GROOMS, BASSLER)

January 5, 2017, read first time and referred to Committee on Education.
February 16, 2017, amended, reported — Do Pass.
February 20, 2017, read second time, ordered engrossed. Engrossed.
February 21, 2017, read third time, passed. Yeas 88, nays 4.

SENATE ACTION

February 23, 2017, read first time and referred to Committee on Education and Career Development.
March 23, 2017, amended, reported favorably — Do Pass.
April 4, 2017, read second time, amended, ordered engrossed.

EH 1130—LS 6810/DI 107



Reprinted
April 5, 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.

ENGROSSED 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 20-33-12.2 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2017]:

4 **Chapter 12.2. Student Journalism**

5 **Sec. 1. As used in this chapter, "public school" includes a**
6 **charter school.**

7 **Sec. 2. (a) As used in this chapter, "school sponsored media"**
8 **means any material that is:**

9 (1) **prepared, written, published, or broadcast by a student**
10 **journalist at a public school; and**

11 (2) **prepared under the direction of a student media adviser.**
12 **(b) The term does not include material that is intended for**
13 **distribution or transmission solely in the classroom in which the**
14 **material is produced.**

15 **Sec. 3. As used in this chapter, "student journalist" means a**
16 **student enrolled in grades 9 through 12 in a public school who**
17 **gathers, compiles, writes, edits, photographs, records, or prepares**

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1 information for dissemination in school sponsored media.

2 Sec. 4. As used in this chapter, "student media adviser" means
3 an individual employed, appointed, or designated by a public
4 school to supervise or provide instruction concerning school
5 sponsored media.

6 Sec. 5. (a) Subject to section 8 of this chapter, a student
7 journalist may exercise freedom of speech and freedom of the press
8 in school sponsored media.

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

11 (1) supported financially by a public school or school
12 corporation; or

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

15 Sec. 6. Subject to section 8 of this chapter, a student journalist
16 is responsible for determining the news, opinions, advertising
17 content, and features in school sponsored media.

18 Sec. 7. A student media adviser shall teach professional
19 standards of English and journalism to student journalists.

20 Sec. 8. This chapter may not be construed to authorize or
21 protect content of school sponsored media by a student journalist
22 that:

23 (1) is libelous or slanderous;

24 (2) is gratuitously profane;

25 (3) violates federal or state law; or

26 (4) incites students to:

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

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

30 (C) materially and substantially disrupt the operation of
31 the public school.

32 Sec. 9. A student media adviser may not use the adviser's
33 position to influence a student journalist to promote an official
34 position of the public school or school corporation.

35 Sec. 10. (a) A public school or school corporation may not
36 suppress school sponsored media unless the public school or school
37 corporation can prove that the school sponsored media:

38 (1) is libelous or slanderous;

39 (2) violates federal or state law;

40 (3) incites students to:

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



- 1 **(B) violate a public school or school corporation policy; or**
 2 **(C) materially and substantially disrupt the operation of**
 3 **the public school; or**
 4 **(4) is profane.**
 5 **(b) In the case of a dispute between the school administrator and**
 6 **a student journalist as to whether the content of school sponsored**
 7 **media may be suppressed under this section, the student journalist**
 8 **may appeal the school administrator's decision to suppress the**
 9 **content to the state board. The state board shall make the decision**
 10 **regarding whether the content will be suppressed.**
 11 **Sec. 11. A public school or school corporation may not:**
 12 **(1) discipline a student journalist for exercising freedom of**
 13 **speech and freedom of the press in school sponsored media;**
 14 **or**
 15 **(2) dismiss, suspend, discipline, reassign, transfer, or retaliate**
 16 **against a student media adviser for:**
 17 **(A) protecting a student journalist in exercising freedom of**
 18 **speech and freedom of the press in school sponsored**
 19 **media; or**
 20 **(B) refusing to infringe on a student's conduct that is**
 21 **protected under:**
 22 **(i) this chapter;**
 23 **(ii) the First Amendment to the Constitution of the**
 24 **United States; or**
 25 **(iii) Article I, Section 9 of the Constitution of the State of**
 26 **Indiana.**
 27 **Sec. 12. Each school corporation and charter school shall adopt**
 28 **written policies consistent with this chapter.**
 29 **Sec. 13. The speech of a student journalist shall not be**
 30 **considered to be the opinion of a public school or school**
 31 **corporation.**
 32 **Sec. 14. (a) Except as provided in subsection (b), a public school**
 33 **or school corporation is immune from civil liability for any injury**
 34 **resulting from school sponsored media produced by a student**
 35 **journalist.**
 36 **(b) The civil immunity described in subsection (a) does not apply**
 37 **to an act or omission that constitutes gross negligence or willful,**
 38 **wanton, or intentional misconduct.**
 39 **SECTION 2. IC 21-41-13 IS ADDED TO THE INDIANA CODE**
 40 **AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE**
 41 **JULY 1, 2017]:**
 42 **Chapter 13. Student Journalism**



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

3 **(1) prepared, written, published, or broadcast by a student**
 4 **journalist at a state educational institution; and**

5 **(2) intended to be disseminated outside of the classroom.**

6 **(b) The term does not include material that is intended for**
 7 **distribution or transmission solely in the classroom in which the**
 8 **material is produced or through a closed-circuit cable television**
 9 **system funded by the state educational institution and maintained**
 10 **primarily to provide limited cable access and general information**
 11 **to campus outlets.**

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

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

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

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

25 **(1) supported financially by a state educational institution; or**

26 **(2) produced in conjunction with a class in which the student**
 27 **journalist is enrolled.**

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

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

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

37 **(1) is libelous or slanderous;**

38 **(2) violates federal or 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 the state educational institution's policies; or**



- 1 (C) materially and substantially disrupt the operation of
2 the state educational institution; or
3 (4) is gratuitously profane.
- 4 Sec. 7. A student media adviser may not use the adviser's
5 position to influence a student journalist to promote an official
6 position of the state educational institution.
- 7 Sec. 8. A state educational institution may not:
- 8 (1) discipline a student journalist for exercising freedom of
9 speech and freedom of the press in school sponsored media;
10 or
11 (2) dismiss, suspend, discipline, reassign, transfer, or retaliate
12 against a student media adviser for:
- 13 (A) protecting a student journalist in exercising freedom of
14 speech and freedom of the press in school sponsored
15 media; or
16 (B) refusing to infringe on a student's conduct that is
17 protected under:
- 18 (i) this chapter;
19 (ii) the First Amendment to the Constitution of the
20 United States; or
21 (iii) Article I, Section 9 of the Constitution of the State of
22 Indiana.
- 23 Sec. 9. The speech of a student journalist shall not be considered
24 to be the opinion of a state educational institution.
- 25 Sec. 10. This chapter shall not be construed to authorize the
26 prior restraint of publication or distribution of school sponsored
27 media.
- 28 Sec. 11. (a) Except as provided in subsection (b), a state
29 educational institution is immune from civil liability for any injury
30 resulting from school sponsored media produced by a student
31 journalist.
- 32 (b) The civil immunity described in subsection (a) does not apply
33 to an act or omission that constitutes gross negligence or willful,
34 wanton, or intentional misconduct.
- 35 SECTION 3. IC 34-30-2-85.3 IS ADDED TO THE INDIANA
36 CODE AS A NEW SECTION TO READ AS FOLLOWS
37 [EFFECTIVE JULY 1, 2017]: **Sec. 85.3. IC 20-33-12.2-14**
38 **(Concerning public school or school corporation liability for school**
39 **sponsored media produced by a student journalist).**
- 40 SECTION 4. IC 34-30-2-86.3 IS ADDED TO THE INDIANA
41 CODE AS A NEW SECTION TO READ AS FOLLOWS
42 [EFFECTIVE JULY 1, 2017]: **Sec. 86.3. IC 21-41-13-11 (Concerning**



1 state educational institution liability for school sponsored media
2 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

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[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.

COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred House Bill No. 1130, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 1, delete "IC 20-33-12" and insert "IC 20-33-12.2".

Page 1, line 4, delete "12." and insert "**12.2.**".

Page 1, between lines 4 and 5, begin a new paragraph and insert:

"Sec. 1. As used in this chapter, "public school" includes a charter school."

Page 1, line 5, delete "1." and insert "**2.**".

Page 1, line 8, delete "or" and insert "**and**".

Page 1, line 13, delete "2." and insert "**3.**".

Page 1, line 14, delete "grade 5 through grade" and insert "**grades 9 through**".

Page 1, line 17, delete "3." and insert "**4.**".

Page 2, line 4, delete "4." and insert "**5.**".

Page 2, line 4, delete "6" and insert "**8**".

Page 2, line 13, delete "5. (a)" and insert "**6.**".

Page 2, line 13, after "section" delete "6" and insert "**8**".

Page 2, line 14, after "opinions," insert "**and**".

Page 2, line 15, delete ", and advertising content".

Page 2, delete lines 16 through 18, begin a new paragraph and



insert:

"Sec. 7. A student media adviser shall teach professional standards of English and journalism to student journalists."

Page 2, line 19, delete "6." and insert "8."

Page 2, delete line 23, begin a new line block indented and insert:

"(2) is lewd, vulgar, or profane;

(3) violates community standards;

(4) violates federal or state law; or"

Page 2, line 24, delete "(3)" and insert "(5)".

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

Page 2, delete line 30.

Page 2, line 31, delete "7." and insert "9."

Page 2, line 34, delete "8." and insert "**10. (a)**".

Page 2, line 35, after "the" insert "**public school or**".

Page 2, line 38, after "federal" insert "**or**".

Page 3, line 3, delete "gratuitously".

Page 3, between lines 3 and 4, begin a new paragraph and insert:

"(b) In the case of a dispute between the school administrator and a student journalist as to whether the content of school sponsored media may be suppressed under this section, the student journalist may appeal the school administrator's decision to suppress the content to the state board. The state board shall make the final decision regarding whether the content will be suppressed."

Page 3, line 4, delete "9." and insert "**11.**".

Page 3, line 20, delete "10." and insert "**12.**".

Page 3, line 20, after "corporation" insert "**and charter school**".

Page 3, line 22, delete "11." and insert "**13.**".

Page 3, line 25, delete "12. A" and insert "**14. (a) Except as provided in subsection (b), a**".

Page 3, line 25, delete "does not incur any" and insert "**is immune from civil liability for any injury resulting from**".

Page 3, line 26, delete "liability for".

Page 3, between lines 27 and 28, begin a new paragraph and insert:

"(b) The civil immunity described in subsection (a) does not apply to an act or omission that constitutes gross negligence or willful, wanton, or intentional misconduct."

Page 4, line 27, after "federal" insert "**or**".

Page 5, delete lines 17 through 20.

Page 5, line 21, delete "12. A" and insert "**11. (a) Except as provided in subsection (b), a**".

Page 5, line 21, delete "does not incur any" and insert "**is immune**".



from civil liability for any injury resulting from".

Page 5, line 22, delete "liability for".

Page 5, between lines 23 and 24, begin a new paragraph and insert:

"(b) The civil immunity described in subsection (a) does not apply to an act or omission that constitutes gross negligence or willful, wanton, or intentional misconduct."

Page 5, line 26, delete "IC 20-33-12-12" and insert **"IC 20-33-12.2-14"**.

Page 5, line 31, delete "IC 21-41-13-12" and insert **"IC 21-41-13-11"**.

and when so amended that said bill do pass.

(Reference is to HB 1130 as printed February 17, 2017.)

KRUSE, Chairperson

Committee Vote: Yeas 10, Nays 0.

SENATE MOTION

Madam President: I move that Engrossed House Bill 1130 be amended to read as follows:

Page 2, line 16, after "opinions," insert **"advertising content,"**

Page 2, line 24, delete "lewd, vulgar, or" and insert **"gratuitously"**.

Page 2, delete line 25.

Page 2, line 26, delete "(4)" and insert **"(3)"**.

Page 2, line 27, delete "(5)" and insert **"(4)"**.

Page 3, line 10, delete "final".

Page 4, line 5, delete "or" and insert **"and"**.

Page 4, line 6, delete "prepared under the direction of a student media adviser." and insert **"intended to be disseminated outside of the classroom."**

Page 5, line 41, delete "IC 34-30-2-86.2" and insert "IC 34-30-2-86.3".

Page 6, line 1, delete "86.2." and insert **"86.3."**

(Reference is to EHB 1130 as printed March 24, 2017.)

HERSHMAN

