

HOUSE BILL No. 1213

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-33-12.2; IC 21-41-13; IC 34-30-2.

Synopsis: Student journalism. Provides freedom of speech and freedom of press protections for grades 7 through 12 and state educational institution student journalists. Requires each school corporation and charter school to adopt a policy concerning student journalist protections. Requires a student media adviser to, each school year, supervise student journalists in grades 7 through 12 in the creation of certain school sponsored media policies. 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, 2019.

Clere, DeLaney

January 10, 2019, read first time and referred to Committee on Education.



First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

HOUSE BILL No. 1213

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, 2019]:

4 **Chapter 12.2. Student Journalism**
5 **Sec. 1. (a) As used in this chapter, "disruptive" refers to**
6 **behavior or content that creates a material and substantial**
7 **disruption of a school activity.**

8 **(b) The term includes behavior that is student rioting, unlawful**
9 **seizure of property, destruction of property, or substantial student**
10 **participation in a school boycott, sit-in, or walk-out.**

11 **(c) Student media is disruptive if there are specific facts that**
12 **would allow an individual to reasonably predict that a substantial**
13 **disruption to school activity will occur if the student media is**
14 **further distributed or disseminated.**

15 **(d) The term does not refer to a fear or apprehension that a**
16 **disruption of a school activity may occur if student media is further**
17 **distributed or disseminated.**



1 **Sec. 2.** As used in this chapter, "public school" includes a
2 charter school.

3 **Sec. 3.** As used in this chapter, "school activity" means an
4 educational student activity sponsored by a school and includes:

- 5 (1) classroom work;
6 (2) official school assemblies;
7 (3) school athletic contests;
8 (4) school concerts;
9 (5) school plays; and
10 (6) in school lunch periods.

11 **Sec. 4. (a)** As used in this chapter, "school sponsored media"
12 means any material that is:

- 13 (1) prepared, written, published, or broadcast by a student
14 journalist at a public school; and
15 (2) prepared under the direction of a student media adviser.

16 **(b)** The term does not include material that is intended for
17 distribution or transmission solely in the classroom in which the
18 material is produced.

19 **Sec. 5.** As used in this chapter, "student journalist" means a
20 student enrolled in grades 7 through 12 in a public school who
21 gathers, compiles, writes, edits, photographs, records, or prepares
22 information for dissemination in school sponsored media under the
23 direction of a student media adviser.

24 **Sec. 6.** As used in this chapter, "student media adviser" means
25 an individual employed, appointed, or designated by a public
26 school to supervise or provide instruction concerning school
27 sponsored media.

28 **Sec. 7. (a)** Subject to section 10 of this chapter, a student
29 journalist may exercise freedom of speech and freedom of the press
30 in school sponsored media.

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

- 33 (1) supported financially by a public school or school
34 corporation; or
35 (2) produced in conjunction with a class in which the student
36 journalist is enrolled.

37 **Sec. 8.** Subject to section 10 of this chapter, a student journalist
38 is responsible for determining the news, opinions, advertising
39 content, and features in school sponsored media.

40 **Sec. 9. (a)** A student media adviser shall teach professional
41 standards of English and journalism to student journalists.

42 **(b)** A student media adviser shall, at the beginning of each



1 school year, supervise student journalists in the creation of school
 2 sponsored media policies, including a process for identifying and
 3 reviewing content that may not be suitable for publication or
 4 broadcast because of concerns about:

- 5 (1) accuracy;
- 6 (2) ethics;
- 7 (3) libel or slander;
- 8 (4) copyright or trademark infringement;
- 9 (5) privacy;
- 10 (6) respect for community standards, including the use of
- 11 language or images that may be considered lewd, vulgar, or
- 12 profane;
- 13 (7) encouragement of behavior contrary to citizenship or
- 14 moral instruction required under IC 20-30-5; and
- 15 (8) other issues that may violate this chapter.

16 **Sec. 10.** This chapter may not be construed to authorize or
 17 protect content of school sponsored media by a student journalist
 18 that:

- 19 (1) is libelous or slanderous;
- 20 (2) violates federal or state law;
- 21 (3) incites students to:
 - 22 (A) create a clear and present danger of the commission of
 - 23 an unlawful act;
 - 24 (B) violate a public school or school corporation policy; or
 - 25 (C) be disruptive of the operation of the public school; or
- 26 (4) encourages, promotes, or supports behavior contrary to
- 27 citizenship or moral instruction required under IC 20-30-5.

28 **Sec. 11.** A student media adviser may not use the adviser's
 29 position to influence a student journalist to promote an official
 30 position of the public school or school corporation.

31 **Sec. 12.** A public school or school corporation may not suppress
 32 school sponsored media unless the public school or school
 33 corporation can prove that the school sponsored media:

- 34 (1) is libelous or slanderous;
- 35 (2) violates federal or state law;
- 36 (3) incites students to:
 - 37 (A) create a clear and present danger of the commission of
 - 38 an unlawful act;
 - 39 (B) violate a public school or school corporation policy; or
 - 40 (C) materially and substantially disrupt the operation of
 - 41 the public school; or
- 42 (4) encourages, promotes, or supports behavior contrary to



1 citizenship or moral instruction required under IC 20-30-5.
 2 **Sec. 13. A public school or school corporation may not:**
 3 **(1) discipline a student journalist for exercising freedom of**
 4 **speech and freedom of the press in school sponsored media;**
 5 **or**
 6 **(2) dismiss, suspend, discipline, reassign, transfer, or retaliate**
 7 **against a student media adviser, principal, or superintendent**
 8 **for:**
 9 **(A) protecting a student journalist in exercising freedom of**
 10 **speech and freedom of the press in school sponsored**
 11 **media; or**
 12 **(B) refusing to infringe on a student's conduct that is**
 13 **protected under:**
 14 **(i) this chapter;**
 15 **(ii) the First Amendment to the Constitution of the**
 16 **United States; or**
 17 **(iii) Article 1, Section 9 of the Constitution of the State of**
 18 **Indiana.**

19 **Sec. 14. Each school corporation and charter school shall adopt**
 20 **written policies consistent with this chapter. Written policies shall**
 21 **include a policy for a student media adviser to notify the principal**
 22 **prior to publication or broadcast if the student media adviser**
 23 **believes that there is a question as to whether the content of school**
 24 **sponsored media could be reasonably construed to violate section**
 25 **12 of this chapter.**

26 **Sec. 15. The speech of a student journalist may not be**
 27 **considered to be the opinion of a public school or school**
 28 **corporation.**

29 **Sec. 16. (a) Except as provided in subsection (b), a public school**
 30 **or school corporation is immune from civil liability for any injury**
 31 **resulting from school sponsored media produced by a student**
 32 **journalist.**

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

36 **Sec. 17. This chapter may not be construed to prohibit a public**
 37 **school or school corporation from adopting a policy that requires**
 38 **review for compliance with this chapter before publication of**
 39 **school sponsored media.**

40 **SECTION 2. IC 21-41-13 IS ADDED TO THE INDIANA CODE**
 41 **AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE**
 42 **JULY 1, 2019]:**



1 **Chapter 13. Student Journalism**

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

- 4 (1) prepared, written, published, or broadcast by a student
5 journalist at a state educational institution; and
6 (2) intended to be disseminated outside the classroom.

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

13 **Sec. 2. As used in this chapter, "student journalist" means a**
14 **student enrolled in a state educational institution who gathers,**
15 **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**
18 **an individual employed, appointed, or designated by a state**
19 **educational institution to supervise or provide instruction**
20 **concerning school sponsored media.**

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

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

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

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

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

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

- 38 (1) is libelous or slanderous;
39 (2) violates federal or state law; or
40 (3) incites students to:
41 (A) create a clear and present danger of the commission of
42 an unlawful act;



- 1 **(B) violate the state educational institution's policies; or**
 2 **(C) materially and substantially disrupt the operation of**
 3 **the state educational institution.**
- 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 1, Section 9 of the Constitution of the State of**
 22 **Indiana.**
- 23 **Sec. 9. The speech of a student journalist may not be considered**
 24 **to be the opinion of a state educational institution.**
- 25 **Sec. 10. This chapter may 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 34-30-2-85.2, AS AMENDED BY P.L.1-2005,**
 36 **SECTION 221, IS AMENDED TO READ AS FOLLOWS**
 37 **[EFFECTIVE JULY 1, 2019]: Sec. 85.2. (a) IC 20-33-2-47(d)**
 38 **(Concerning attendance officer or officer's designee for failure to**
 39 **contact a parent or guardian regarding a student's absences).**
- 40 **(b) IC 20-33-12.2-16 (Concerning public school or school**
 41 **corporation liability for school sponsored media produced by a**
 42 **student journalist).**



1 SECTION 4. IC 34-30-2-86.5 IS ADDED TO THE INDIANA
2 CODE AS A NEW SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2019]: **Sec. 86.5. IC 21-41-13-11 (Concerning**
4 **state educational institution liability for school sponsored media**
5 **produced by a student journalist).**

