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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 2537

01/29/2016 Authored by Youakim
The bill was referred to the Committee on Education Innovation Policy

1.1 A bill for an act
1.2 relating to education; clarifying First Amendment speech and press rights of
1.3 student journalists in kindergarten through grade 12; proposing coding for new
1.4 law in Minnesota Statutes, chapter 121A.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. **[121A.80] STUDENT PUBLICATIONS; STUDENT EXPRESSION.**

1.7 Subdivision 1. **Definitions.** (a) For purposes of this section, the terms defined in this
1.8 subdivision have the meanings given them.

1.9 (b) "School-sponsored media" means any material:

1.10 (1) prepared, wholly or substantially written, published, broadcast, or otherwise
1.11 disseminated by a student journalist enrolled in a public school, including a charter school;

1.12 (2) distributed or generally made available to students in the school; and

1.13 (3) prepared by the student journalist under the supervision of a student media advisor.

1.14 School-sponsored media does not include any media prepared solely for distribution or
1.15 transmission in the classroom where the media is produced.

1.16 (c) "School official" means a school principal under section 123B.147 or other
1.17 licensed professional who participates in supporting, supervising, or administering the
1.18 education program of a school building.

1.19 (d) "Student journalist" means a public school student who gathers, compiles,
1.20 writes, edits, photographs, records, or otherwise prepares information for dissemination in
1.21 school-sponsored media.

1.22 (e) "Student media advisor" means a person who a school district employs, appoints,
1.23 or designates to supervise student journalists preparing school-sponsored media.

2.1 Subd. 2. **Student journalists; rights to freedom of speech and freedom of the**
2.2 **press.** Except as provided in subdivisions 3 and 4, paragraph (b), a student journalist has
2.3 the right to exercise freedom of speech and freedom of the press in school-sponsored
2.4 media, regardless of whether the school-sponsored media receives financial support from
2.5 the school or district, uses school equipment or facilities in its production, or is produced in
2.6 relationship to a class or course in which the student journalist is enrolled. Consistent with
2.7 subdivisions 3 and 4, paragraph (b), a student journalist who works on school-sponsored
2.8 media has the right to determine the news, opinion, feature, and advertising content of the
2.9 school-sponsored media. This subdivision does not prevent a student-media advisor from
2.10 teaching professional standards of English and journalism to student journalists.

2.11 Subd. 3. **Unprotected expression.** (a) This section does not authorize or protect
2.12 student expression that is libelous or slanderous; constitutes an unwarranted invasion of
2.13 privacy; violates federal or state law; or, in a school official's professional judgment,
2.14 so incites students as to:

2.15 (1) create a clear and present danger of the commission of unlawful acts on school
2.16 premises or the violation of lawful school policies or rules; or

2.17 (2) cause a material and substantial disruption of school activities.

2.18 (b) A school or district may not authorize any prior restraint of any school-sponsored
2.19 media except under paragraph (a) or subdivision 4, paragraph (b).

2.20 Subd. 4. **Student journalist policy.** (a) Each school district and charter school must
2.21 adopt and post a student journalist policy consistent with this section. The policy must
2.22 include reasonable provisions for the time, place, and manner of student expression.

2.23 (b) The policy may limit student expression that, in a school official's professional
2.24 judgment, is profane, harassing, threatening, or intimidating.

2.25 **EFFECTIVE DATE.** This section is effective for the 2015-2016 school year and
2.26 later.