

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SIXTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 206**

Introduced by Morfeld, 46.

Read first time January 11, 2019

Committee:

- 1 A BILL FOR AN ACT relating to journalism; to define terms; to provide
- 2 protection for freedom of speech and freedom of the press for
- 3 student journalists; to provide protection for student media
- 4 advisers; to provide immunity for schools; and to provide
- 5 exceptions.
- 6 Be it enacted by the people of the State of Nebraska,

1           Section 1. (1) For purposes of this section:

2           (a) Postsecondary educational institution means the University of  
3 Nebraska, a state college, a private college or university, or a  
4 community college;

5           (b) School-sponsored media means any material that is (i) prepared,  
6 substantially written, published, or broadcast by a student journalist at  
7 a postsecondary educational institution, (ii) distributed or generally  
8 made available to members of the student body, and (iii) prepared under  
9 the direction of a student media adviser. School-sponsored media does not  
10 include any media intended for distribution or transmission solely for  
11 the class in which the media is produced;

12           (c) Student journalist means a student at a postsecondary  
13 educational institution who gathers, compiles, writes, edits,  
14 photographs, records, or prepares information of a journalistic nature  
15 for dissemination in school-sponsored media; and

16           (d) Student media adviser means an individual employed, appointed,  
17 or designated by a postsecondary educational institution to supervise or  
18 provide instruction relating to school-sponsored media.

19           (2)(a) All school-sponsored media are deemed to be public forums.  
20 Subject to subsection (3) of this section, a student journalist has a  
21 right to exercise freedom of speech and of the press in school-sponsored  
22 media, regardless of whether the media is supported financially by the  
23 postsecondary educational institution, supported by the use of the  
24 facilities of such institution, or produced in conjunction with a class  
25 in which the student journalist is enrolled.

26           (b) Subject to subsection (3) of this section, each student  
27 journalist is responsible for determining the news, opinion, feature,  
28 sports, and advertising content such student produces for school-  
29 sponsored media. This subdivision shall not be construed to prevent a  
30 student media adviser from teaching professional standards of English and  
31 journalism to student journalists.

1       (3) This section does not authorize or protect expression by a  
2 student journalist that:

3       (a) Is libelous or slanderous;

4       (b) Constitutes an unwarranted invasion of privacy;

5       (c) Violates federal or state law; or

6       (d) So incites students as to create a clear and present danger of  
7 (i) the commission of an unlawful act, (ii) a violation of the policies  
8 of a postsecondary educational institution, or (iii) the material and  
9 substantial disruption of the orderly operation of such institution.

10       (4) A student journalist shall not be disciplined for acting in  
11 accordance with subsection (2) of this section.

12       (5) A student media adviser shall not be dismissed, suspended,  
13 disciplined, reassigned, transferred, or otherwise retaliated against  
14 for:

15       (a) Acting to protect a student journalist engaged in conduct under  
16 subsection (2) of this section; or

17       (b) Refusing to infringe upon conduct that is protected by  
18 subsection (2) of this section or the First Amendment to the Constitution  
19 of the United States.

20       (6) No publication or other expression of matter by a student  
21 journalist in the exercise of rights under this section shall be deemed  
22 to be an expression of a postsecondary educational institution's policy.  
23 No postsecondary educational institution, its employees or agents, or its  
24 governing authority or the members of its governing authority shall be  
25 held responsible in any civil or criminal action for any publication or  
26 other expression of matter by a student journalist in the exercise of  
27 rights under subsection (2) of this section.

28       Sec. 2. For purposes of this section:

29       (a) Public high school means any high school operated by a school  
30 district;

31       (b) School-sponsored media means any material that is (i) prepared,

1 substantially written, published, or broadcast by a student journalist at  
2 a public high school, (ii) distributed or generally made available to  
3 members of the student body, and (iii) prepared under the direction of a  
4 student media adviser. School-sponsored media does not include any media  
5 intended for distribution or transmission solely for the class in which  
6 the media is produced;

7 (c) Student journalist means a public high school student who  
8 gathers, compiles, writes, edits, photographs, records, or prepares  
9 information of a journalistic nature for dissemination in school-  
10 sponsored media; and

11 (d) Student media adviser means an individual employed, appointed,  
12 or designated by a public high school to supervise or provide instruction  
13 relating to school-sponsored media.

14 (2)(a) All school-sponsored media are deemed to be public forums.  
15 Subject to subsection (3) of this section, a student journalist has a  
16 right to exercise freedom of speech and of the press in school-sponsored  
17 media, regardless of whether the media is supported financially by the  
18 public high school, supported by the use of the facilities of such  
19 school, or produced in conjunction with a class in which the student  
20 journalist is enrolled.

21 (b) Subject to subsection (3) of this section, each student  
22 journalist is responsible for determining the news, opinion, feature,  
23 sports, and advertising content such student produces for school-  
24 sponsored media. This subdivision shall not be construed to prevent a  
25 student media adviser from teaching professional standards of English and  
26 journalism to student journalists.

27 (3) This section does not authorize or protect expression by a  
28 student journalist that:

29 (a) Is libelous or slanderous;

30 (b) Constitutes an unwarranted invasion of privacy;

31 (c) Violates federal or state law; or

1       (d) So incites students as to create a clear and present danger of  
2 (i) the commission of an unlawful act or (ii) a violation of the policies  
3 of a public high school that could cause the material and substantial  
4 disruption of the orderly operation of such school.

5       (4) A student journalist shall not be disciplined for acting in  
6 accordance with subsection (2) of this section.

7       (5) A student media adviser shall not be dismissed, suspended,  
8 disciplined, reassigned, transferred, or otherwise retaliated against  
9 for:

10       (a) Acting to protect a student journalist engaged in conduct under  
11 subsection (2) of this section; or

12       (b) Refusing to infringe upon conduct that is protected by  
13 subsection (2) of this section or the First Amendment to the Constitution  
14 of the United States.

15       (6) No publication or other expression of matter by a student  
16 journalist in the exercise of rights under this section shall be deemed  
17 to be an expression of a public high school's policy. No public high  
18 school, member of a school board, or employee of such school or board  
19 shall be held responsible in any civil or criminal action for any  
20 publication or other expression of matter by a student journalist in the  
21 exercise of rights under subsection (2) of this section.

22       (7) Public high schools and student media advisers shall make  
23 efforts to utilize the resources and programs of state public and private  
24 universities and colleges and of state professional journalism  
25 organizations to obtain training and advice on mass media law and ethics  
26 for student media advisers and student journalists.