

1 information for dissemination in school-sponsored media.

2 (3) "Student media advisor" means an individual employed, appointed, or designated by
3 an institution under the supervision of the council on elementary and secondary education and the
4 council on postsecondary education, both public and private, to supervise or provide instruction
5 relating to school-sponsored media.

6 **16-107-3. Student journalists' freedom of expression -- Civil remedy.**

7 (a) Except as provided in subsection (b) of this section, a student journalist has the right
8 to exercise freedom of speech and of the press in both school-sponsored media and non-school-
9 sponsored media, regardless of whether the media is supported financially by the school, local
10 education agency "(LEA)", or uses the facilities of the school or LEA, or produced in conjunction
11 with a class in which the student is enrolled. Subject to subsection (b) of this section, a student
12 journalist is responsible for determining the news, opinion, feature, and advertising content of
13 school-sponsored media. This subsection may not be construed to prevent a student media advisor
14 from teaching professional standards of English and journalism to student journalists.

15 (b) This section does not authorize or protect expression by a student that:

16 (1) Is libelous or slanderous;

17 (2) Constitutes an unwarranted invasion of privacy;

18 (3) Violates federal or state law; or

19 (4) So incites students as to create a clear and present danger of the commission of an
20 unlawful act, the violation of school district policy, or the material and substantial disruption of
21 the orderly operation of the institution. Administrators must base a forecast of material and
22 substantial disruption on specific facts, including past experience in the school and current events
23 influencing student behavior, and not on undifferentiated fear or apprehension.

24 (c) Nothing in this section shall be construed as authorizing the publication of an
25 advertisement in school-sponsored media at an institution under the supervision of the council on
26 elementary and secondary education that promotes the purchase of a product or service that is
27 unlawful for purchase or use by minors.

28 (d) A student journalist may not be disciplined for acting in accordance with subsection
29 (a) of this section.

30 (e) A student media advisor may not be dismissed, suspended, disciplined, reassigned,
31 transferred, or otherwise retaliated against for:

32 (1) Acting to protect a student journalist engaged in permissible conduct under subsection
33 (a) of this section; or

34 (2) Refusing to infringe on conduct that is protected by this chapter or the First

1 Amendment to the United States Constitution.

2 (e) Each institution, school or LEA subject to this chapter may adopt a written student
3 freedom of expression policy in accordance with this section. The policy must include reasonable
4 provisions for the time, place, and manner of student expression. For institutions under the
5 supervision of the council on elementary and secondary education, the policy may also include
6 limitations to language that may be defined as profane, harassing, threatening, or intimidating.

7 (f) No expression made by students in the exercise of free speech or free press rights shall
8 be deemed to be an expression of school policy, and no school officials or school district shall be
9 held responsible in any civil or criminal action for any expression made or published by students.

10 (g) Any student, individually or through a parent or guardian, or student media advisor
11 may institute proceedings for injunctive or declaratory relief in any court of competent
12 jurisdiction to enforce the rights provided in this section.

13 SECTION 2. This act shall take effect upon passage.

=====
LC002070/SUB A/2
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO EDUCATION -- STUDENT JOURNALISTS' FREEDOM OF EXPRESSION
ACT

- 1 This act would create the Student Journalists' Freedom of Expression Act protecting
- 2 student journalists' right to exercise freedom of speech in school-sponsored media.
- 3 This act would take effect upon passage.

=====
LC002070/SUB A/2
=====