

**SUBSTITUTE FOR  
SENATE BILL NO. 848**

A bill to provide protection for freedom of expression for student journalists in public schools and institutions of higher education.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 1. This act shall be known and may be cited as the  
2 "student free press and civics readiness act".

3       Sec. 2. As used in this act:

4       (a) "School-sponsored media" means any materials that are  
5 prepared, substantially written, published, or broadcast by a  
6 student journalist at a public school or public institution of  
7 higher education; distributed or generally made available to  
8 members of the student body; and prepared under the direction of a  
9 student media adviser. The term does not include any media intended

1 for distribution or transmission solely in the classroom in which  
2 the media are produced.

3 (b) "Student journalist" means a student of a public school or  
4 a public institution of higher education who gathers, compiles,  
5 writes, edits, photographs, records, or prepares information for  
6 dissemination in school-sponsored media.

7 (c) "Student media adviser" means an individual employed,  
8 appointed, or designated by a public school or public institution  
9 of higher education to supervise or provide instruction relating to  
10 school-sponsored media.

11 Sec. 3. (1) Except as provided in subsection (2), a student  
12 journalist has the right to exercise freedom of speech and of the  
13 press in school-sponsored media, regardless of whether the media  
14 are supported financially by the school or public institution of  
15 higher education, are produced using its facilities, or are  
16 produced in conjunction with a class in which the student is  
17 enrolled. Subject to subsection 2, a student journalist is  
18 responsible for determining the news, opinion, feature, and  
19 advertising content of school-sponsored media. This subsection does  
20 not prohibit a student media adviser from teaching professional  
21 standards of English and journalism to student journalists.

22 (2) This section does not authorize or protect expression by a  
23 student journalist if the expression meets any of the following  
24 conditions:

25 (a) Is libelous or slanderous.

26 (b) Constitutes an unwarranted invasion of privacy.

27 (c) Violates federal or state law.

1 (d) Incites students so as to create a clear and present  
2 danger that they may commit an unlawful act, violate school or  
3 state board of education policies, or materially and substantially  
4 disrupt the orderly operation of the school or public institution  
5 of higher education.

6 Sec. 4. (1) A public school or public institution of higher  
7 education shall not authorize any prior restraint of expression in  
8 any school-sponsored media except when the expression meets any of  
9 the following conditions:

10 (a) Is libelous or slanderous.

11 (b) Constitutes an unwarranted invasion of privacy.

12 (c) Violates federal or state law.

13 (d) Incites students so as to create a clear and present  
14 danger that they may commit an unlawful act, violate school or  
15 state board of education policies, or materially and substantially  
16 disrupt the orderly operation of the school or public institution  
17 of higher education.

18 (2) A public school or public institution of higher education  
19 shall not discipline a student for the content of the student's  
20 expression while the student is operating as an independent  
21 journalist.

22 Sec. 5. Each public school or public institution of higher  
23 education shall adopt a written student freedom of expression  
24 policy in accordance with this act. The policy must include  
25 reasonable provisions for the time, place, and manner of student  
26 expression. The policy may also include limitations on language  
27 that is profane, harassing, threatening, or intimidating.

1       Sec. 6. A student media adviser shall not be dismissed,  
2       suspended, disciplined, reassigned, transferred, or otherwise  
3       retaliated against solely for any of the following:

4       (a) Acting reasonably to protect the rights of a student  
5       journalist to engage in conduct authorized under this act.

6       (b) Refusing to act in a manner that would infringe upon a  
7       student journalist's right to engage in conduct that is protected  
8       under this act.

9       Sec. 7. Publication or other expression of ideas by a student  
10      journalist in the exercise of rights under this act is not  
11      attributable to the school district or public institution of higher  
12      education as an expression of its policy. A school district, a  
13      member of a board of education, an institution of higher education,  
14      or an employee of a school district, board of education, or  
15      institution of higher education is not responsible in any civil or  
16      criminal action for any publication or other expression of ideas by  
17      a student journalist exercising rights protected under this act.

18      Enacting section 1. This act takes effect 90 days after the  
19      date it is enacted into law.