

House Bill 4565
Sponsor: Rep. H. Lynn Jondahl
Committee: Judiciary

Complete to 9-11-91

A SUMMARY OF HOUSE BILL 4565 AS INTRODUCED 3-14-91

The bill would amend the School Code to generally provide that a pupil in a public school has the right to exercise freedom of speech and freedom of the press while in attendance at school or school-related functions. The protected forms of expression would include the use of bulletin boards, distribution of printed materials or petitions, wearing of buttons, performances, and publications, including school-sponsored publications. Expression would be protected whether or not the form was financially supported by the school, involved the use of school facilities, or was produced in conjunction with a course.

Prohibited expression. The bill would prohibit pupil expression that was obscene to minors under state law; that was defamatory under state law; or that so incited pupils as to create a clear and present danger of the commission of unlawful acts on school premises or the violation of lawful school regulations, or to cause school administrators to reasonably believe that there was a clear and present danger of a material and substantial disruption of the orderly operation of the school.

Student publications. The pupils constituting the editorial staff of a school-sponsored and student-published publication would be responsible for determining the news, opinion, and advertising content of the publication. Each publication would have to have a faculty advisor who would supervise production and teach professional standards of English and journalism to the participating students. Neither a school administrator, nor the school district or school board could discipline a faculty advisor for refusing to suppress or interfere with the rights to free expression specified by the bill or in other law. A school administrator, school district, or school board could not subject a publication produced by pupils to prior review, whether or not that publication was sponsored or endorsed by the school.

School board policy. Each school board would have develop a written policy on student expression. The policy would have to be consistent with the bill and could include reasonable provisions for regulating the time, place, and manner of expression. A copy of the policy would be given to each pupil at the beginning of the school year.

Civil remedies. A pupil, parent or guardian on behalf of a pupil, or a faculty advisor could sue for injunctive or declaratory relief in the circuit court to enforce the bill.

MCL 380.1191

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