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BILL ANALYSIS



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Senate Bill 848 (as introduced 3-8-16)
Sponsor: Senator Rick Jones
Committee: Judiciary

Date Completed: 3-22-16

CONTENT

The bill would create the "Student Free Press and Civics Readiness Act" to do the following:

- **Specify that a student journalist would have the right to exercise freedom of speech and of the press in school-sponsored media.**
- **Prohibit a school district from authorizing prior restraint of expression in any school-sponsored media, except under certain circumstances.**
- **Require each school district to adopt a written policy on student freedom of expression.**
- **Prohibit the dismissal of or other retaliation against a student media adviser for acting to protect the rights of a student journalist or refusing to act in a manner that would infringe upon a student journalist's rights under the proposed Act.**
- **Provide that the publication or expression of ideas by a student journalist would not be attributable to the school and that school districts, boards of education, public institutions of higher education, and their employees would not be responsible for such publications or expressions.**

The bill would take effect 90 days after its enactment.

Student Journalists' Rights

A student journalist would have the right to exercise freedom of speech and of the press in school-sponsored media regardless of whether the media were supported financially by the school or public institution of higher education, were produced using its facilities, or were produced in conjunction with a class in which the student was enrolled. A student journalist would be responsible for determining the news, opinion, feature, and advertising content of school-sponsored media.

The provisions described above would not prohibit a student media adviser from teaching professional standards of English and journalism to student journalists. They also would not authorize or protect expression by a student journalist if the expression were any of the following:

- Libelous or slanderous.
- An unwarranted invasion of privacy.
- A violation of Federal or State law.
- An incitement to students so as to create a clear and present danger that they might commit an unlawful act, violate school or State Board of Education policies, or materially and substantially disrupt the orderly operation of the school or public institution of higher education.

A school district could not authorize any prior restraint of expression in any school-sponsored media except when the expression met any of the conditions listed above. A school district could not discipline a student for the content of his or her expression while the student was operating as an independent journalist.

"Student journalist" would mean a student of a public school or a public institution of higher education who gathers, compiles, writes, edits, photographs, records, or prepares information for dissemination in school-sponsored media. "School-sponsored media" would mean any materials that are prepared, substantially written, published, or broadcast by a student journalist at a public school or public institution of higher education; distributed or generally made available to members of the student body; and prepared under the direction of a student media adviser. The term would not include any media intended for distribution or transmission solely in the classroom in which the media are prepared.

Written Policy

Each school district would have to adopt a written student freedom of expression policy in accordance with the proposed Act. The policy would have to include reasonable provisions for the time, place, and manner of student expression and could include limitations on profane, harassing, threatening, or intimidating language.

Media Adviser

A student media adviser could not be dismissed, suspended, disciplined, reassigned, transferred, or otherwise retaliated against solely for either of the following:

- Acting reasonably to protect the rights of a student journalist to engage in conduct authorized under the proposed Act.
- Refusing to act in a manner that would infringe upon a student journalist's right to engage in conduct that was protected under the proposed Act.

"Student media adviser" would mean an individual employed, appointed, or designated by a public school or public institution of higher education to supervise or provide instruction relating to school-sponsored media.

Publication/Expression of Ideas

Publication or other expression of ideas by a student journalist in the exercise of rights under the proposed Act would not be attributable to the school district or public institution of higher education as an expression of its policy. A school district, a member of a board of education, an institution of higher education, or an employee of a school district, board of education, or institution of higher education would not be responsible in any civil or criminal action for any publication or other expression of ideas by a student journalist exercising rights protected under the proposed Act.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have no fiscal impact on State or local Government.

Fiscal Analyst: Cory Savino

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.