

# HOUSE BILL No. 4551

April 27, 2017, Introduced by Reps. Camilleri, Ellison, Moss, Elder, Hammoud, Pagan and Geiss and referred to the Committee on Education Reform.

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 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  
10 for distribution or transmission solely in the classroom in which

1 the media are produced.

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

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

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

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

24 (a) Is libelous or slanderous.

25 (b) Constitutes an unwarranted invasion of privacy.

26 (c) Violates federal or state law.

27 (d) Incites students so as to create a clear and present

1 danger that they may commit an unlawful act or materially and  
2 substantially disrupt the orderly operation of the public school or  
3 public institution of higher education.

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

8 (a) Is libelous or slanderous.

9 (b) Constitutes an unwarranted invasion of privacy.

10 (c) Violates federal or state law.

11 (d) Incites students so as to create a clear and present  
12 danger that they may commit an unlawful act or materially and  
13 substantially disrupt the orderly operation of the public school or  
14 public institution of higher education.

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

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

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

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

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

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

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