

SENATE BILL No. 848

March 8, 2016, Introduced by Senators JONES, COLBECK, CASPERSON and BIEDA and referred to the Committee on Judiciary.

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
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 school or public institution of
14 higher education, are produced using its facilities, or are
15 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, violate school or
2 state board of education policies, or materially and substantially
3 disrupt the orderly operation of the school or public institution
4 or higher education.

5 Sec. 4. (1) A school district shall not authorize any prior
6 restraint of expression in any school-sponsored media except when
7 the expression meets any of 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, violate school or
13 state board of education policies, or materially and substantially
14 disrupt the orderly operation of the school or public institution
15 of higher education.

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

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

25 Sec. 6. A student media advisor 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.