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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. 1501

02/20/2017 Authored by Youakim; Pryor; Flanagan; Dehn, R.; Becker-Finn and others
The bill was read for the first time and referred to the Committee on Education Innovation Policy

1.1 A bill for an act
1.2 relating to education; clarifying speech and press rights of student journalists in
1.3 grades 7 through 12 and in postsecondary institutions; proposing coding for new
1.4 law in Minnesota Statutes, chapters 121A; 135A.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. [121A.80] STUDENT PUBLICATIONS; STUDENT EXPRESSION.

1.7 Subdivision 1. Definitions. (a) For purposes of this section, the terms defined in this
1.8 subdivision have the meanings given them.

1.9 (b) "School-sponsored media" means any material:

1.10 (1) prepared, wholly or substantially written, published, broadcast, or otherwise
1.11 disseminated by a student journalist enrolled in a public school, including a charter school;

1.12 (2) distributed or generally made available to students in the school; and

1.13 (3) prepared by the student journalist under the supervision of a student media adviser.

1.14 School-sponsored media does not include any media prepared solely for distribution or
1.15 transmission in the classroom in which the media is produced.

1.16 (c) "School official" means a school principal under section 123B.147 or other licensed
1.17 professional who participates in supporting, supervising, or administering the education
1.18 program of a school building.

1.19 (d) "Student journalist" means a public school student in grades 7 through 12 who gathers,
1.20 compiles, writes, edits, photographs, records, or otherwise prepares information for
1.21 dissemination in school-sponsored media.

2.1 (e) "Student media adviser" means a person whom a school district employs, appoints,
 2.2 or designates to supervise student journalists preparing school-sponsored media.

2.3 **Subd. 2. Student journalists; rights to freedom of speech and freedom of the press.**
 2.4 Except as provided in subdivision 3 and subdivision 4, paragraph (b), a student journalist
 2.5 has the right to exercise freedom of speech and freedom of the press in school-sponsored
 2.6 media, regardless of whether the school-sponsored media receives financial support from
 2.7 the school or district, uses school equipment or facilities in its production, or is produced
 2.8 in relationship to a class or course in which the student journalist is enrolled. Consistent
 2.9 with subdivision 3 and subdivision 4, paragraph (b), a student journalist who works on
 2.10 school-sponsored media has the right to determine the news, opinion, feature, and advertising
 2.11 content of the school-sponsored media. This subdivision does not prevent a student media
 2.12 adviser from teaching professional standards of English and journalism to student journalists.

2.13 **Subd. 3. Unprotected expression.** (a) This section does not authorize or protect student
 2.14 expression that is libelous or slanderous; constitutes an unwarranted invasion of privacy;
 2.15 violates federal or state law; or, in a school official's professional judgment, so incites
 2.16 students as to:

2.17 (1) create a clear and present danger of the commission of unlawful acts on school
 2.18 premises or the violation of lawful school policies or rules; or

2.19 (2) cause a material and substantial disruption of school activities.

2.20 (b) A school or district may not authorize any prior restraint of any school-sponsored
 2.21 media except under paragraph (a) or subdivision 4, paragraph (b).

2.22 **Subd. 4. Student journalist policy.** (a) Each school district and charter school must
 2.23 adopt and post a student journalist policy consistent with this section. The policy must
 2.24 include reasonable provisions for the time, place, and manner of student expression.

2.25 (b) The policy may limit student expression that, in a school official's professional
 2.26 judgment, is profane, harassing, threatening, or intimidating.

2.27 **EFFECTIVE DATE.** This section is effective for the 2016-2017 school year and later.

2.28 **Sec. 2. [135A.159] STUDENT JOURNALISTS; FREEDOM OF EXPRESSION.**

2.29 **Subdivision 1. Definitions.** (a) For purposes of this section, the terms defined in this
 2.30 subdivision have the meanings given them.

2.31 (b) "School-sponsored media" means any material that is:

3.1 (1) prepared, substantially written, published, or broadcast by a student journalist at an
 3.2 institution under the supervision of the Office of Higher Education;

3.3 (2) distributed or generally made available to members of the student body; and

3.4 (3) prepared under the direction of a student media adviser.

3.5 School-sponsored media does not include any media intended for distribution or transmission
 3.6 solely in the classroom in which the media is produced.

3.7 (c) "Student journalist" means a student of an institution under the supervision of the
 3.8 state board of higher education who gathers, compiles, writes, edits, photographs, records,
 3.9 or prepares information for dissemination in school-sponsored media.

3.10 (d) "Student media adviser" means an individual employed, appointed, or designated
 3.11 by an institution under the supervision of the state board of higher education to supervise
 3.12 or provide instruction relating to school-sponsored media.

3.13 **Subd. 2. Student journalists; rights to freedom of speech and freedom of the press.**

3.14 Except as provided in subdivision 3, a student journalist has the right to exercise freedom
 3.15 of speech and of the press in school-sponsored media, regardless of whether the media is
 3.16 supported financially by the institution or by use of facilities of the institution or produced
 3.17 in conjunction with a class in which the student is enrolled. Subject to subdivision 3, a
 3.18 student journalist is responsible for determining the news, opinion, feature, and advertising
 3.19 content of school-sponsored media. This subdivision may not be construed to prevent a
 3.20 student media adviser from teaching professional standards of English and journalism to
 3.21 student journalists.

3.22 **Subd. 3. Unprotected expression.** (a) This section does not authorize or protect student
 3.23 expression that is libelous or slanderous; constitutes an unwarranted invasion of privacy;
 3.24 violates federal or state law; or so incites students as to:

3.25 (1) create a clear and present danger of the commission of an unlawful act or the violation
 3.26 of institutional or Office of Higher Education policies; or

3.27 (2) cause the material and substantial disruption of the orderly operation of the institution.

3.28 (b) Nothing in this section shall be construed to authorize the prior restraint of
 3.29 school-sponsored media.

3.30 **EFFECTIVE DATE.** This section is effective for the 2016-2017 school year and later.