

2016 -- H 7677

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

A N A C T

RELATING TO EDUCATION -- STUDENT JOURNALISTS' FREEDOM OF EXPRESSION
ACT

Introduced By: Representatives O'Grady, Lima, Tanzi, Handy, and Maldonado

Date Introduced: February 24, 2016

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 16 of the General Laws entitled "EDUCATION" is hereby amended
2 by adding thereto the following chapter:

3 CHAPTER 106

4 STUDENT JOURNALISTS' FREEDOM OF EXPRESSION ACT

5 **16-106-1. Short title.** -- This act shall be known and may be cited as the "Student
6 Journalists' Freedom of Expression Act".

7 **16-106-2. Definitions.** -- As used in this section:

8 (1) "School-sponsored media" means any material that is prepared, substantially written,
9 published, or broadcast by a student journalist at an institution under the supervision of the Rhode
10 Island council on post-secondary education, distributed, or generally made available to members
11 of the student body, and prepared under the direction of a student media advisor.

12 (2) "Student journalist" means a student of an institution under the supervision of the
13 Rhode Island council on post-secondary education who gathers, compiles, writes, edits,
14 photographs, records, or prepares information for dissemination in school-sponsored media.

15 (3) "Student media advisor" means an individual employed, appointed, or designated by
16 an institution under the supervision of the Rhode Island council on post-secondary education to
17 supervise or provide instruction relating to school-sponsored media.

18 **16-106-3. Student journalists' freedom of expression -- Civil remedy.** -- (a) Except as

1 provided in subsection (b) of this section, a student journalist has the right to exercise freedom of
2 speech and of the press in both school-sponsored media and non-school-sponsored media,
3 regardless of whether the media is supported financially by the school, local education agencies
4 (LEA), or uses the facilities of the school or LEA, or produced in conjunction with a class in
5 which the student is enrolled. Subject to subsection (b) of this section, a student journalist is
6 responsible for determining the news, opinion, feature, and advertising content of school-
7 sponsored media. This subsection may not be construed to prevent a student media advisor from
8 teaching professional standards of English and journalism to student journalists.

9 (b) This section does not authorize or protect expression by a student that:

10 (1) Is libelous or slanderous;

11 (2) Constitutes an unwarranted invasion of privacy;

12 (3) Violates federal or state law; or

13 (4) So incites students as to create a clear and present danger of the commission of an
14 unlawful act, the violation of school district policy, or the material and substantial disruption of
15 the orderly operation of the institution. Administrators must base a forecast of material and
16 substantial disruption on specific facts, including past experience in the school and current events
17 influencing student behavior, and not on undifferentiated fear or apprehension.

18 (c) A student journalist may not be disciplined for acting in accordance with subsection
19 (a) of this section.

20 (d) A student media advisor may not be dismissed, suspended, disciplined, reassigned,
21 transferred, or otherwise retaliated against for:

22 (1) Acting to protect a student journalist engaged in conduct under subsection (a) of this
23 section; or

24 (2) Refusing to infringe on conduct that is protected by this chapter or the First
25 Amendment to the United States Constitution.

26 (e) Each institution, school or LEA subject to this statute may adopt a written student
27 freedom of expression policy in accordance with this section. The policy must include reasonable
28 provisions for the time, place, and manner of student expression. The policy may also include
29 limitations to language that may be defined as profane, harassing, threatening, or intimidating.

30 (f) No institution subject to this statute may sanction a student operating as an
31 independent journalist.

32 (g) Any student, individually or through parent or guardian, or student media advisor may
33 institute proceedings for injunctive or declaratory relief in any court of competent jurisdiction to
34 enforce the rights provided in this section.

1 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO EDUCATION -- STUDENT JOURNALISTS' FREEDOM OF EXPRESSION
ACT

- 1 This act would create the Student Journalists' Freedom of Expression Act protecting
- 2 student journalists' right to exercise freedom of speech in school-sponsored media.
- 3 This act would take effect upon passage.

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