

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

A N A C T

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

Introduced By: Senator Gayle L. Goldin

Date Introduced: March 15, 2017

Referred To: Senate 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 107

4 STUDENT JOURNALISTS' FREEDOM OF EXPRESSION ACT

5 **16-107-1. Short title.**

6 This act shall be known and may be cited as the "Student Journalists' Freedom of
7 Expression Act".

8 **16-107-2. Definitions.**

9 As used in this section:

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

15 (2) "Student journalist" means a student of an institution under the supervision of the
16 council on elementary and secondary education, either public or private, who gathers, compiles,
17 writes, edits, photographs, records, or prepares information for dissemination in school-sponsored
18 media.

1 (3) "Student media advisor" means an individual employed, appointed, or designated by
2 an institution under the supervision of the council on elementary and secondary education, either
3 public or private, to supervise or provide instruction relating to school-sponsored media.

4 **16-107-3. Student journalists' freedom of expression -- Civil remedy.**

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

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

14 (1) Is libelous or slanderous;

15 (2) Constitutes an unwarranted invasion of privacy;

16 (3) Violates federal or state law; or

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

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

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

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

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

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

34 (f) No institution subject to this statute may sanction a student operating as an

1 independent journalist.

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

5 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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