

State of Arizona
Senate
Fifty-third Legislature
First Regular Session
2017

SENATE BILL 1384

AN ACT

AMENDING TITLE 15, CHAPTER 1, ARTICLE 1, ARIZONA REVISED STATUTES, BY
ADDING SECTION 15-118; RELATING TO SCHOOL-SPONSORED STUDENT ACTIVITIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 15, chapter 1, article 1, Arizona Revised
3 Statutes, is amended by adding section 15-118, to read:

4 15-118. School-sponsored media; student journalists; written
5 policy; immunity; definitions

6 A. EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION C OF THIS SECTION, A
7 STUDENT JOURNALIST MAY EXERCISE FREEDOM OF SPEECH AND FREEDOM OF THE PRESS
8 IN SCHOOL-SPONSORED MEDIA. A STUDENT JOURNALIST IS NOT LIMITED UNDER THIS
9 SUBSECTION SOLELY BECAUSE THE SCHOOL-SPONSORED MEDIA ARE EITHER:

10 1. SUPPORTED FINANCIALLY BY THE LOCAL SCHOOL SYSTEM, THE PUBLIC
11 SCHOOL, THE COMMUNITY COLLEGE OR THE UNIVERSITY OR BY THE USE OF
12 FACILITIES OWNED BY THE SCHOOL DISTRICT, CHARTER SCHOOL, COMMUNITY COLLEGE
13 OR UNIVERSITY.

14 2. PRODUCED IN CONJUNCTION WITH A CLASS IN WHICH THE STUDENT
15 JOURNALIST IS ENROLLED.

16 B. EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION C OF THIS SECTION,
17 STUDENT SUPERVISORS ARE RESPONSIBLE FOR DETERMINING THE CONTENT OF
18 SCHOOL-SPONSORED MEDIA. THIS SECTION DOES NOT PREVENT A STUDENT MEDIA
19 ADVISER FROM TEACHING PROFESSIONAL STANDARDS OF ENGLISH AND JOURNALISM TO
20 STUDENT JOURNALISTS.

21 C. THIS SECTION DOES NOT AUTHORIZE OR PROTECT CONTENT OF
22 SCHOOL-SPONSORED MEDIA THAT DOES ANY OF THE FOLLOWING:

23 1. IS LIBELOUS OR SLANDEROUS.

24 2. CONSTITUTES AN UNWARRANTED INVASION OF PRIVACY.

25 3. VIOLATES FEDERAL OR STATE LAW.

26 4. CREATES THE IMMINENT DANGER OF INCITING STUDENTS TO VIOLATE THE
27 LAW OR DISTRICT REGULATIONS OR MATERIALLY AND SUBSTANTIALLY DISRUPTS THE
28 ORDERLY OPERATION OF THE PUBLIC SCHOOL, COMMUNITY COLLEGE OR UNIVERSITY.

29 D. EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION C OF THIS SECTION,
30 THIS SECTION DOES NOT AUTHORIZE THE PRIOR RESTRAINT OF ANY
31 SCHOOL-SPONSORED MEDIA. A PUBLIC SCHOOL MAY RESTRAIN THE DISTRIBUTION OF
32 CONTENT IN SCHOOL-SPONSORED MEDIA FOR ANY REASON PRESCRIBED IN SUBSECTION
33 C OF THIS SECTION, BUT THE PUBLIC SCHOOL HAS THE BURDEN OF PROVIDING
34 LAWFUL JUSTIFICATION WITHOUT UNDUE DELAY.

35 E. A STUDENT JOURNALIST MAY NOT BE DISCIPLINED SOLELY FOR ACTING IN
36 ACCORDANCE WITH THIS SECTION.

37 F. A STUDENT MEDIA ADVISER MAY NOT BE DISMISSED, SUSPENDED,
38 DISCIPLINED, REASSIGNED, TRANSFERRED OR OTHERWISE RETALIATED AGAINST
39 SOLELY FOR EITHER:

40 1. ACTING TO PROTECT A STUDENT JOURNALIST ENGAGED IN CONDUCT THAT
41 IS PROTECTED UNDER THIS SECTION.

42 2. REFUSING TO INFRINGE ON CONDUCT THAT IS PROTECTED BY THIS
43 SECTION, THE UNITED STATES CONSTITUTION OR THE CONSTITUTION OF ARIZONA.

1 G. EACH SCHOOL DISTRICT GOVERNING BOARD AND EACH CHARTER SCHOOL
2 GOVERNING BODY SHALL ADOPT, IN A REGULAR PUBLIC MEETING, A WRITTEN POLICY
3 THAT INCLUDES WRITTEN CONTENT STANDARDS OR GUIDELINES FOR SCHOOL-SPONSORED
4 MEDIA THAT IS CONSISTENT WITH AND NOT MORE RESTRICTIVE THAN SUBSECTION C
5 OF THIS SECTION, EXCEPT THAT THE POLICY ADOPTED PURSUANT TO THIS
6 SUBSECTION SHALL PROHIBIT LEWD AND OBSCENE CONTENT. THE WRITTEN POLICY
7 SHALL INCLUDE A STUDENT JOURNALIST CODE OF ETHICS THAT INCLUDES GUIDELINES
8 FOR COVERING CONTENT IN A RESPONSIBLE, FAIR AND ACCURATE MANNER.

9 H. ANY EXPRESSION MADE BY A STUDENT IN SCHOOL-SPONSORED MEDIA IS
10 NOT DEEMED TO BE AN EXPRESSION BY OR ON BEHALF OF THE SCHOOL, COMMUNITY
11 COLLEGE OR UNIVERSITY.

12 I. A SCHOOL DISTRICT, CHARTER SCHOOL, COMMUNITY COLLEGE DISTRICT OR
13 UNIVERSITY, OR ANY OFFICIAL, EMPLOYEE OR AGENT OF A SCHOOL DISTRICT,
14 CHARTER SCHOOL, COMMUNITY COLLEGE DISTRICT OR UNIVERSITY, IS NOT LIABLE IN
15 ANY CIVIL OR CRIMINAL ACTION FOR ANY EXPRESSION MADE OR PUBLISHED BY A
16 STUDENT IN SCHOOL-SPONSORED MEDIA.

17 J. FOR THE PURPOSES OF THIS SECTION:

18 1. "COMMUNITY COLLEGE" MEANS A COMMUNITY COLLEGE THAT IS UNDER THE
19 JURISDICTION OF A COMMUNITY COLLEGE DISTRICT.

20 2. "SCHOOL-SPONSORED MEDIA" MEANS ANY MATERIAL THAT IS PREPARED,
21 WRITTEN, PUBLISHED OR BROADCAST BY A STUDENT JOURNALIST AT A PUBLIC HIGH
22 SCHOOL, A COMMUNITY COLLEGE OR A UNIVERSITY AS PART OF A SCHOOL-SUPPORTED
23 PROGRAM OR ACTIVITY AND THAT IS DISTRIBUTED OR GENERALLY MADE AVAILABLE TO
24 AN AUDIENCE BEYOND THE CLASSROOM IN WHICH THE MATERIAL IS PRODUCED.

25 3. "STUDENT JOURNALIST" MEANS A PUBLIC HIGH SCHOOL STUDENT, A
26 COMMUNITY COLLEGE STUDENT OR A UNIVERSITY STUDENT WHO GATHERS, COMPILES,
27 WRITES, EDITS, PHOTOGRAPHS, RECORDS OR PREPARES INFORMATION FOR
28 DISSEMINATION IN SCHOOL-SPONSORED MEDIA.

29 4. "STUDENT MEDIA ADVISER" MEANS AN INDIVIDUAL WHO IS EMPLOYED,
30 APPOINTED, OR DESIGNATED BY A PUBLIC SCHOOL, A COMMUNITY COLLEGE OR A
31 UNIVERSITY TO SUPERVISE OR PROVIDE TO STUDENTS INSTRUCTION RELATING TO
32 SCHOOL-SPONSORED MEDIA.

33 5. "STUDENT SUPERVISOR" MEANS A STUDENT ENROLLED IN A PUBLIC SCHOOL
34 WHO IS RESPONSIBLE FOR EDITING SCHOOL-SPONSORED MEDIA.

35 6. "UNIVERSITY" MEANS A UNIVERSITY THAT IS UNDER THE JURISDICTION
36 OF THE ARIZONA BOARD OF REGENTS.