

REFERENCE TITLE: school-sponsored media; student journalists

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

SB 1384

Introduced by
Senator Yee

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 MEDIA ADVISERS ARE RESPONSIBLE FOR DETERMINING THE CONTENT OF
18 SCHOOL-SPONSORED MEDIA. THIS SUBSECTION 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 5. DOES NOT COMPLY WITH WRITTEN CONTENT STANDARDS OR GUIDELINES FOR
30 SCHOOL-SPONSORED MEDIA ADOPTED BY A SCHOOL DISTRICT GOVERNING BOARD, A
31 CHARTER SCHOOL GOVERNING BODY, A COMMUNITY COLLEGE DISTRICT GOVERNING
32 BOARD OR THE ARIZONA BOARD OF REGENTS.

33 D. EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION C OF THIS SECTION,
34 THIS SECTION DOES NOT AUTHORIZE THE PRIOR RESTRAINT OF ANY
35 SCHOOL-SPONSORED MEDIA. A PUBLIC SCHOOL, COMMUNITY COLLEGE OR UNIVERSITY
36 MAY RESTRAIN THE DISTRIBUTION OF CONTENT IN SCHOOL-SPONSORED MEDIA FOR ANY
37 REASON PRESCRIBED IN SUBSECTION C OF THIS SECTION, BUT THE PUBLIC SCHOOL,
38 COMMUNITY COLLEGE OR UNIVERSITY HAS THE BURDEN OF PROVIDING LAWFUL
39 JUSTIFICATION WITHOUT UNDUE DELAY.

40 E. A STUDENT JOURNALIST MAY NOT BE DISCIPLINED FOR ACTING IN
41 ACCORDANCE WITH SUBSECTIONS A AND B OF THIS SECTION.

42 F. A STUDENT MEDIA ADVISER MAY NOT BE DISMISSED, SUSPENDED,
43 DISCIPLINED, REASSIGNED, TRANSFERRED OR OTHERWISE RETALIATED AGAINST FOR
44 EITHER:

1 1. ACTING TO PROTECT A STUDENT JOURNALIST ENGAGED IN CONDUCT THAT
2 IS PROTECTED UNDER SUBSECTIONS A AND B OF THIS SECTION.

3 2. REFUSING TO INFRINGE ON CONDUCT THAT IS PROTECTED BY SUBSECTIONS
4 A AND B OF THIS SECTION, THE UNITED STATES CONSTITUTION OR THE
5 CONSTITUTION OF ARIZONA.

6 G. EACH SCHOOL DISTRICT GOVERNING BOARD, EACH CHARTER SCHOOL
7 GOVERNING BODY, EACH COMMUNITY COLLEGE DISTRICT GOVERNING BOARD AND THE
8 ARIZONA BOARD OF REGENTS SHALL ADOPT A WRITTEN POLICY THAT IS CONSISTENT
9 WITH THIS SECTION AND THAT INCLUDES WRITTEN CONTENT STANDARDS OR
10 GUIDELINES FOR SCHOOL-SPONSORED MEDIA.

11 H. ANY EXPRESSION MADE BY A STUDENT IN SCHOOL-SPONSORED MEDIA IS
12 NOT DEEMED TO BE AN EXPRESSION OF SCHOOL POLICY, COMMUNITY COLLEGE POLICY
13 OR UNIVERSITY POLICY.

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

19 J. FOR THE PURPOSES OF THIS SECTION:

20 1. "COMMUNITY COLLEGE" MEANS A COMMUNITY COLLEGE THAT IS UNDER THE
21 JURISDICTION OF A COMMUNITY COLLEGE DISTRICT.

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

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

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

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