



Introduced Version

\*\*\*

**HOUSE BILL No. 001130**

**DIGEST OF INTRODUCED BILL**

**Citations Affected:** IC 20-33-12; IC 21-41-13.

**Synopsis:** Protections for student journalists. Provides freedom of speech and freedom of press protections for kindergarten through grade 12 and state educational institution student journalists. Requires school corporations and state educational institutions to adopt policies concerning student journalist protections. Provides that a public school, school corporation, or state educational institution may not suppress school sponsored media unless the content is libelous or slanderous.

**Effective:** July 1, 2017.

*Clere, DeLaney*

\_\_\_\_\_, read first time and referred to Committee on

20171625

2017

LS 6810/DI 107



Introduced

First Regular Session of the 120th General Assembly (2017)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2016 Regular Session of the General Assembly.

## HOUSE BILL \_\_\_\_\_

A BILL FOR AN ACT to amend the Indiana Code concerning education.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 20-33-12 IS ADDED TO THE INDIANA CODE  
2 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2017]:  
4 **Chapter 12. Student Journalism**  
5 **Sec. 1. (a) As used in this chapter, "school sponsored media"**  
6 **means any material that is:**  
7 **(1) prepared, written, published, or broadcast by a student**  
8 **journalist at a public school; or**  
9 **(2) prepared under the direction of a student media adviser.**  
10 **(b) The term does not include material that is intended for**  
11 **distribution or transmission solely in the classroom in which the**  
12 **material is produced.**  
13 **Sec. 2. As used in this chapter, "student journalist" means a**  
14 **student enrolled in a public school who gathers, compiles, writes,**  
15 **edits, photographs, records, or prepares information for**  
16 **dissemination in school sponsored media.**  
17 **Sec. 3. As used in this chapter, "student media adviser" means**

2017

LS 6810/DI 107



1 an individual employed, appointed, or designated by a public  
2 school to supervise or provide instruction concerning school  
3 sponsored media.

4 Sec. 4. (a) Subject to section 6 of this chapter, a student  
5 journalist may exercise freedom of speech and freedom of the press  
6 in school sponsored media.

7 (b) This section may not be construed to be limited because  
8 school sponsored media is:

9 (1) supported financially by a public school or school  
10 corporation; or

11 (2) produced in conjunction with a class in which the student  
12 journalist is enrolled.

13 Sec. 5. (a) Subject to section 6 of this chapter, a student  
14 journalist is responsible for determining the news, opinions,  
15 features, and advertising content in school sponsored media.

16 (b) This section may not be construed to prevent a student  
17 media adviser from teaching professional standards of English and  
18 journalism to student journalists.

19 Sec. 6. This chapter may not be construed to authorize or  
20 protect content of school sponsored media by a student journalist  
21 that:

22 (1) is libelous or slanderous;

23 (2) violates federal or state law; or

24 (3) incites students to:

25 (A) create a clear and present danger of the commission of  
26 an unlawful act;

27 (B) violate a public school or school corporation policy; or

28 (C) materially and substantially disrupt the operation of  
29 the public school.

30 Sec. 7. A student media adviser may not use the adviser's  
31 position to influence a student journalist to promote an official  
32 position of the public school or school corporation.

33 Sec. 8. A public school or school corporation may not suppress  
34 school sponsored media unless the school corporation can prove  
35 that the school sponsored media:

36 (1) is libelous or slanderous;

37 (2) violates federal or state law; or

38 (3) incites students to:

39 (A) create a clear and present danger of the commission of  
40 an unlawful act;

41 (B) violate a public school or school corporation policy; or

42 (C) materially and substantially disrupt the operation of



- 1           the public school.
- 2       **Sec. 9. A public school or school corporation may not:**
- 3           (1) discipline a student journalist for exercising freedom of
- 4           speech and freedom of the press in school sponsored media;
- 5           or
- 6           (2) dismiss, suspend, discipline, reassign, transfer, or retaliate
- 7           against a student media adviser for:
- 8               (A) protecting a student journalist in exercising freedom of
- 9               speech and freedom of the press in school sponsored
- 10              media; or
- 11              (B) refusing to infringe on a student's conduct that is
- 12              protected under:
- 13                  (i) this chapter;
- 14                  (ii) the First Amendment to the Constitution of the
- 15                  United States; or
- 16                  (iii) Article I, Section 9 of the Constitution of the State of
- 17                  Indiana.

18       **Sec. 10. Each school corporation shall adopt written policies**

19       **consistent with this chapter.**

20       **Sec. 11. The speech of a student journalist shall not be**

21       **considered to be the opinion of a public school or school**

22       **corporation.**

23       SECTION 2. IC 21-41-13 IS ADDED TO THE INDIANA CODE

24       AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE

25       JULY 1, 2017]:

26       **Chapter 13. Student Journalism**

27       **Sec. 1. (a) As used in this chapter, "school sponsored media"**

28       **means any material that is:**

29           (1) prepared, written, published, or broadcast by a student

30           journalist at a state educational institution; or

31           (2) prepared under the direction of a student media adviser.

32       **(b) The term does not include material that is intended for**

33       **distribution or transmission solely in the classroom in which the**

34       **material is produced.**

35       **Sec. 2. As used in this chapter, "student journalist" means a**

36       **student enrolled in a state educational institution who gathers,**

37       **compiles, writes, edits, photographs, records, or prepares**

38       **information for dissemination in school sponsored media.**

39       **Sec. 3. As used in this chapter, "student media adviser" means**

40       **an individual employed, appointed, or designated by a state**

41       **educational institution to supervise or provide instruction**

42       **concerning school sponsored media.**



1       **Sec. 4. (a) Subject to section 6 of this chapter, a student**  
 2 **journalist may exercise freedom of speech and freedom of the press**  
 3 **in school sponsored media.**

4       **(b) This section may not be construed to be limited because**  
 5 **school sponsored media is:**

- 6           **(1) supported financially by a state educational institution; or**  
 7           **(2) produced in conjunction with a class in which the student**  
 8 **journalist is enrolled.**

9       **Sec. 5. (a) Subject to section 6 of this chapter, a student**  
 10 **journalist is responsible for determining the news, opinions,**  
 11 **features, and advertising content in school sponsored media.**

12       **(b) This section may not be construed to prevent a student**  
 13 **media adviser from teaching professional standards of English and**  
 14 **journalism to student journalists.**

15       **Sec. 6. This chapter may not be construed to authorize or**  
 16 **protect content of school sponsored media by a student journalist**  
 17 **that:**

- 18           **(1) is libelous or slanderous;**  
 19           **(2) violates federal or state law; or**  
 20           **(3) incites students to:**  
 21               **(A) create a clear and present danger of the commission of**  
 22               **an unlawful act;**  
 23               **(B) violate the state educational institution's policies; or**  
 24               **(C) materially and substantially disrupt the operation of**  
 25               **the state educational institution.**

26       **Sec. 7. A student media adviser may not use the adviser's**  
 27 **position to influence a student journalist to promote an official**  
 28 **position of the state educational institution.**

29       **Sec. 8. A state educational institution may not:**

- 30           **(1) discipline a student journalist for exercising freedom of**  
 31 **speech and freedom of the press in school sponsored media;**  
 32 **or**  
 33           **(2) dismiss, suspend, discipline, reassign, transfer, or retaliate**  
 34 **against a student media adviser for:**  
 35               **(A) protecting a student journalist in exercising freedom of**  
 36 **speech and freedom of the press in school sponsored**  
 37 **media; or**  
 38               **(B) refusing to infringe on a student's conduct that is**  
 39 **protected under:**  
 40                   **(i) this chapter;**  
 41                   **(ii) the First Amendment to the Constitution of the**  
 42 **United States; or**



1  
2  
3  
4  
5  
6  
7

**(iii) Article I, Section 9 of the Constitution of the State of Indiana.**

**Sec. 9. The speech of a student journalist shall not be considered to be the opinion of a state educational institution.**

**Sec. 10. This chapter may not be construed to authorize the prior restraint of publication or distribution of school sponsored media.**



**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301

Indianapolis, IN 46204

(317) 233-0696

<http://www.in.gov/legislative>

**FISCAL IMPACT STATEMENT**

**LS 6810**

**BILL NUMBER:**

**NOTE PREPARED:** Dec 30, 2016

**BILL AMENDED:**

**SUBJECT:** Protections for Student Journalists.

**FIRST AUTHOR:**

**BILL STATUS:**

**FIRST SPONSOR:**

**FUNDS AFFECTED:**     **GENERAL**  
                              **DEDICATED**  
                              **FEDERAL**

**IMPACT:** Local

**Summary of Legislation:** This bill provides freedom of speech and freedom of press protections for kindergarten through Grade 12 and state educational institution student journalists. The bill requires school corporations and state educational institutions to adopt policies concerning student journalist protections. It provides that a public school, school corporation, or state educational institution may not suppress school-sponsored media unless the content is libelous or slanderous.

**Effective Date:** July 1, 2017.

**Explanation of State Expenditures:**

**Explanation of State Revenues:**

**Explanation of Local Expenditures:** All public schools currently have student codes of conduct or student handbooks. These documents could be adapted if they do not already include language consistent with this bill. Creating or adapting new policies is possible within the level of resources available to school corporations.

State educational institutions may also choose to update student handbooks or codes of conduct to include the policies outlined in this bill. Creating or adapting current written policies is feasible within the level of resources available to the higher education institution.

**Explanation of Local Revenues:**

**State Agencies Affected:**

**Local Agencies Affected:** Local schools; state educational institutions.

**Information Sources:**

**Fiscal Analyst:** Whitney Bross, 317-232-9523.