

SECOND REGULAR SESSION

SENATE BILL NO. 855

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR WASHINGTON.

3033S.01I

ADRIANE D. CROUSE, Secretary

AN ACT

To amend chapters 171 and 173, RSMo, by adding thereto two new sections relating to student journalists.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapters 171 and 173, RSMo, are amended by
2 adding thereto two new sections, to be known as sections 171.200
3 and 173.1551, to read as follows:

171.200. 1. This section and section 173.1551 shall
2 be known and may be cited as the "Cronkite New Voices Act".

3 2. As used in this section, the following terms shall
4 mean:

5 (1) "School-sponsored media", any material that is
6 prepared, substantially written, published, or broadcast by
7 a student journalist at a public high school; distributed or
8 generally made available to members of the student body; and
9 prepared under the direction of a student-media advisor.

10 "School-sponsored media" shall not include any media
11 intended for distribution or transmission solely in the
12 classroom in which the media is produced;

13 (2) "Student journalist", a public high school student
14 who gathers, compiles, writes, edits, photographs, records,
15 produces, or prepares content for dissemination in school-
16 sponsored media;

17 (3) "Student-media advisor", an individual employed,
18 appointed, or designated by a school district to supervise
19 or provide instruction relating to school-sponsored media.

20 3. Subject to the provisions of this section, the
21 freedom of the press in school-sponsored media shall be
22 protected. A student journalist has the right to exercise
23 freedom of speech and of the press in school-sponsored
24 media. Material in school-sponsored media shall not be
25 suppressed solely because it involves political or
26 controversial subject matter.

27 4. School districts and student-media advisors may
28 regulate the number, length, frequency, and format of school-
29 sponsored media. Review of material prepared for school-
30 sponsored media and encouragement of the expression of such
31 material in a manner that is consistent with professional
32 standards of English and journalism shall not be deemed to
33 be or construed as an abridgement of the right to freedom of
34 expression in school-sponsored media or a restraint on
35 publication of the material therein.

36 5. A school district shall not authorize any prior
37 restraint of any school-sponsored media except if the
38 administration or student-media advisor reasonably
39 determines or anticipates that the media:

- 40 (1) Is libelous or slanderous;
- 41 (2) Constitutes an invasion of privacy;
- 42 (3) Violates federal or state law;
- 43 (4) Is a threat of violence;
- 44 (5) Advertises a product or service that is illegal or
45 is not permitted to be sold to minors by law;
- 46 (6) Violates the rights of others;
- 47 (7) Is likely to incite students to commit an unlawful
48 act or to violate school district policy or procedure; or

49 (8) Is likely to materially and substantially disrupt
50 or interfere with the orderly operation of the school.

51 6. Subject to the limitations imposed by this section,
52 student journalists are responsible for determining the
53 news, opinion, and advertising content of school-sponsored
54 media. Student-media advisors are responsible for teaching
55 and encouraging free and responsible expression of material
56 and professional standards of English and journalism. No
57 student-media advisor shall be disciplined, terminated from
58 employment, transferred, or relieved of duties imposed under
59 this subsection for refusal to abridge or infringe upon the
60 right to freedom of expression conferred by this section.

61 7. No publication or other expression of matter by
62 students in the exercise of rights under this section shall
63 be deemed to be an expression of a school district's
64 policy. No school district, member of the board of
65 education, student-media advisor, or employee of a school
66 district shall be held liable in any civil or criminal
67 action for any publication or other expression of matter by
68 student journalists in the exercise of rights under this
69 section except to the extent that such persons or entities
70 actively participated in the conduct that is the subject of
71 the civil or criminal action or knew of the conduct and
72 failed to take timely action to prevent or withdraw such
73 publication or expression that is the subject of the civil
74 or criminal action. A student journalist who has attained
75 the age of majority may be held liable in any civil or
76 criminal action for material expressed in student
77 publications to the extent of such student journalist's
78 responsibility for and involvement in the preparation and
79 publication of such matter.

80 8. Each school district shall adopt a written policy
81 regarding the freedom of the press and expression by
82 students in accordance with this section. The policy shall
83 include reasonable provisions for the time, place, and
84 manner of student expression. The policy may also include
85 limitations regarding language that may be defined as
86 vulgar, obscene, offensively lewd, profane, harassing,
87 threatening, or intimidating.

 173.1551. 1. As used in this section, the following
2 terms shall mean:

3 (1) "School-sponsored media", any material that is
4 prepared, substantially written, published, or broadcast by
5 a student journalist at a public institution of higher
6 education in this state; distributed or generally made
7 available to members of the student body; and prepared under
8 the direction of a student-media advisor. "School-sponsored
9 media" shall not include any media intended for distribution
10 or transmission solely in the classroom in which the media
11 is produced;

12 (2) "Student journalist", a student of a public
13 institution of higher education who gathers, compiles,
14 writes, edits, photographs, records, produces, or prepares
15 content for dissemination in school-sponsored media;

16 (3) "Student-media advisor", an individual employed,
17 appointed, or designated by a public institution of higher
18 education in this state to supervise or provide instruction
19 relating to school-sponsored media.

20 2. Subject to the provisions of this section, the
21 freedom of the press in school-sponsored media shall be
22 protected. A student journalist has the right to exercise
23 freedom of speech and of the press in school-sponsored
24 media. Material in school-sponsored media shall not be

25 suppressed solely because it involves political or
26 controversial subject matter.

27 3. Subject to subsection 4 of this section, a student
28 journalist is responsible for determining the news, opinion,
29 feature, and advertising content of school-sponsored media.
30 This subsection shall not be construed to prevent a student-
31 media advisor from teaching professional standards of
32 English and journalism to student journalists.

33 4. This section does not authorize or protect
34 expression by a student that:

- 35 (1) Is libelous or slanderous;
- 36 (2) Constitutes an invasion of privacy;
- 37 (3) Violates federal or state law;
- 38 (4) Is likely to incite students to commit an unlawful
39 act or to violate institution policy or procedure; or
- 40 (5) Is likely to materially and substantially disrupt
41 or interfere with the orderly operation of the institution.

42 5. Except as provided in subsection 4 of this section,
43 a student journalist at a public institution of higher
44 education in this state shall not be disciplined for
45 exercising such student journalist's freedom of expression
46 in school-sponsored media.

47 6. A student-media advisor at a public institution of
48 higher education in this state shall not be dismissed,
49 suspended, disciplined, reassigned, transferred, or
50 otherwise retaliated against for protecting or refusing to
51 infringe on the rights of student journalists outlined in
52 this section.

53 7. No publication or other expression of matter by
54 students in the exercise of rights under this section shall
55 be deemed to be an expression of an institution's policy.
56 No public institution of higher education or member of the

57 institution's governing body or employee thereof shall be
58 held liable in any civil or criminal action for any
59 publication or other expression of matter by student
60 journalists in the exercise of rights under this section
61 except to the extent that such persons or entities actively
62 participated in the conduct that is the subject of the civil
63 or criminal action.

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