

1 S.18

2 Introduced by Senators White, Balint, and Baruth

3 Referred to Committee on

4 Date:

5 Subject: Education; students; freedom of expression

6 Statement of purpose of bill as introduced: This bill proposes to ensure that  
7 students are afforded freedom of expression within public schools, independent  
8 schools, and postsecondary schools in the State.

9 An act relating to freedom of expression for students

10 It is hereby enacted by the General Assembly of the State of Vermont:

11 Sec. 1. 16 V.S.A. chapter 42 is added to read:

12 CHAPTER 42. STUDENT RIGHTS

13 § 1623. FREEDOM OF EXPRESSION

14 (a) Definitions. As used in this chapter:

15 (1) "School" means a public school or independent school operating in  
16 the State.

17 (2) "School-sponsored media" means any material that is prepared,  
18 written, published, or broadcast by a student journalist at a school as part of a  
19 school-supported program or activity and is distributed or generally made

1 available to an audience beyond the classroom in which the material is  
2 produced.

3 (3) “Student journalist” means a student enrolled at a school who  
4 gathers, compiles, writes, edits, photographs, records, or prepares information  
5 for dissemination in school-sponsored media.

6 (4) “Student media adviser” means an individual employed, appointed,  
7 or designated by a school or its governing body to supervise or provide  
8 instruction relating to school-sponsored media.

9 (b)(1) Subject to subsection (d) of this section, a student journalist may  
10 exercise freedom of speech and freedom of the press in school-sponsored  
11 media.

12 (2) Subdivision (1) of this subsection shall not be construed to be  
13 limited by the fact that the school-sponsored media are:

14 (A) supported financially by a school or its governing body, or by use  
15 of facilities owned by the school; or

16 (B) produced in conjunction with a class in which the student  
17 journalist is enrolled.

18 (c)(1) Subject to subsection (d) of this section, the student supervisors of  
19 school-sponsored media are responsible for determining the content of their  
20 respective media.

1           (2) Subdivision (1) of this subsection shall not be construed to prevent a  
2           student media adviser from teaching professional standards of English and  
3           journalism to student journalists.

4           (d) This section shall not be construed to authorize or protect content of  
5           school-sponsored media that:

6                   (1) is libelous or slanderous;

7                   (2) constitutes an unwarranted invasion of privacy;

8                   (3) violates federal or State law; or

9                   (4) creates the imminent danger of inciting students to violate the law or  
10           school rules, or to materially and substantially disrupt the orderly operation of  
11           a school.

12           (e) Nothing in this section shall be construed to authorize the prior restraint  
13           of any school-sponsored media, except as to content specified in subsection  
14           (d) of this section. A school may restrain the distribution of content in student  
15           media described in subsection (d), provided that the school's administration  
16           shall have the burden of providing lawful justification without undue delay.

17           (f) A student journalist may not be disciplined for acting in accordance  
18           with this section.

19           (g) A student media adviser may not be dismissed, suspended, disciplined,  
20           reassigned, transferred, or otherwise retaliated against for:

1           (1) acting to protect a student journalist engaged in conduct protected by  
2 this section; or

3           (2) refusing to infringe on conduct that is protected by this section, by  
4 the first amendment to the U.S. Constitution, or by the Vermont Constitution.

5           (h) Each school or its governing body shall adopt a written policy  
6 consistent with the provisions of this section.

7           (i) No expression made by students in school-sponsored media shall be  
8 deemed to be an expression of school policy, and no school, the governing  
9 body of any school, or any official, employee, or agent of any school or its  
10 governing body shall be held liable in any civil or criminal action for any  
11 expression made or published by students in school-sponsored media.

12       Sec. 2. 16 V.S.A. § 180 is added to read:

13       § 180. STUDENT RIGHTS—FREEDOM OF EXPRESSION

14       (a) Definitions. As used in this chapter:

15           (1) “School” means a post-secondary school that operates primarily or  
16 exclusively in the State.

17           (2) “School-sponsored media” means any material that is prepared,  
18 written, published, or broadcast by a student journalist at a school as part of a  
19 school-supported program or activity and is distributed or generally made  
20 available to an audience beyond the classroom in which the material is  
21 produced.

1           (3) “Student journalist” means a student enrolled at a school who  
2           gathers, compiles, writes, edits, photographs, records, or prepares information  
3           for dissemination in school-sponsored media.

4           (4) “Student media adviser” means an individual employed, appointed,  
5           or designated by a school or its governing body to supervise or provide  
6           instruction relating to school-sponsored media.

7           (b)(1) Subject to subsection (d) of this section, a student journalist may  
8           exercise freedom of speech and freedom of the press in school-sponsored  
9           media.

10           (2) Subdivision (1) of this subsection shall not be construed to be  
11           limited by the fact that the school-sponsored media are:

12           (A) supported financially by a school or its governing body, or by use  
13           of facilities owned by the school; or

14           (B) produced in conjunction with a class in which the student  
15           journalist is enrolled.

16           (c)(1) Subject to subsection (d) of this section, the student supervisors of  
17           school-sponsored media are responsible for determining the content of their  
18           respective media.

19           (2) Subdivision (1) of this subsection shall not be construed to prevent a  
20           student media adviser from teaching professional standards of English and  
21           journalism to student journalists.

1        (d) This section shall not be construed to authorize or protect content of  
2        school-sponsored media that:

3            (1) is libelous or slanderous;

4            (2) constitutes an unwarranted invasion of privacy;

5            (3) violates federal or State law; or

6            (4) creates the imminent danger of inciting students to violate the law or  
7        school rules, or to materially and substantially disrupt the orderly operation of  
8        a school.

9        (e) Nothing in this section shall be construed to authorize the prior restraint  
10       of any school-sponsored media, except as to content specified in subsection  
11       (d) of this section. A school may restrain the distribution of content in student  
12       media described in subsection (d), provided that the school's administration  
13       shall have the burden of providing lawful justification without undue delay.

14       (f) A student journalist may not be disciplined for acting in accordance  
15       with this section.

16       (g) A student media adviser may not be dismissed, suspended, disciplined,  
17       reassigned, transferred, or otherwise retaliated against for:

18            (1) acting to protect a student journalist engaged in conduct protected by  
19       this section; or

20            (2) refusing to infringe on conduct that is protected by this section, by  
21       the first amendment to the U.S. Constitution, or by the Vermont Constitution.

1       (h) Each school or its governing body shall adopt a written policy  
2       consistent with the provisions of this section.

3       (i) No expression made by students in school-sponsored media shall be  
4       deemed to be an expression of school policy, and no school, the governing  
5       body of any school, or any official, employee, or agent of any school or of its  
6       governing body shall be held liable in any civil or criminal action for any  
7       expression made or published by students in school-sponsored media.

8       Sec. 3. EFFECTIVE DATE

9       This act shall take effect on July 1, 2017.