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State of Minnesota

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HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. **1868**

- 02/28/2019 Authored by Youakim, Urdahl, Pryor, Her, Sandell and others
The bill was read for the first time and referred to the Committee on Education Policy
- 03/07/2019 Adoption of Report: Placed on the General Register as Amended
Read for the Second Time
- 05/20/2019 Pursuant to Rule 4.20, returned to the Committee on Education Policy
- 03/02/2020 Adoption of Report: Placed on the General Register as Amended
Read for the Second Time

1.1 A bill for an act

1.2 relating to education; clarifying speech and press rights of student journalists in

1.3 grades 6 through 12; proposing coding for new law in Minnesota Statutes, chapter

1.4 121A.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. **[121A.80] STUDENT JOURNALISM; STUDENT EXPRESSION.**

1.7 Subdivision 1. **Definitions.** (a) For purposes of this section, the terms defined in this

1.8 subdivision have the meanings given them.

1.9 (b) "School-sponsored media" means material that is:

1.10 (1) prepared, wholly or substantially written, published, broadcast, or otherwise

1.11 disseminated by a student journalist enrolled in a school district or charter school;

1.12 (2) distributed or generally made available to students in the school; and

1.13 (3) prepared by a student journalist under the supervision of a student media adviser.

1.14 School-sponsored media does not include material prepared solely for distribution or

1.15 transmission in the classroom in which the material is produced.

1.16 (c) "School official" means a school principal under section 123B.147 or other person

1.17 having administrative control or supervision of a school.

1.18 (d) "Student journalist" means a school district or charter school student in grades 6

1.19 through 12 who gathers, compiles, writes, edits, photographs, records, or otherwise prepares

1.20 information for dissemination in school-sponsored media.

2.1 (e) "Student media adviser" means a qualified teacher, as defined in section 122A.16,
2.2 that a school district or charter school employs, appoints, or designates to supervise student
2.3 journalists or provide instruction relating to school-sponsored media.

2.4 Subd. 2. **Student journalists; protected conduct.** (a) Except as provided in subdivision
2.5 3, a student journalist has the right to exercise freedom of speech and freedom of the press
2.6 in school-sponsored media regardless of whether the school-sponsored media receives
2.7 financial support from the school or district, uses school equipment or facilities in its
2.8 production, or is produced as part of a class or course in which the student journalist is
2.9 enrolled. Freedom of speech includes freedom to express political viewpoints. Consistent
2.10 with subdivision 3, a student journalist has the right to determine the news, opinion, feature,
2.11 and advertising content of school-sponsored media. A school district or charter school must
2.12 not discipline a student journalist for exercising rights or freedoms under this paragraph or
2.13 the First Amendment of the United States Constitution.

2.14 (b) A school district or charter school must not retaliate or take adverse employment
2.15 action against a student media adviser for supporting a student journalist exercising rights
2.16 or freedoms under paragraph (a) or the First Amendment of the United States Constitution.

2.17 (c) Notwithstanding the rights or freedoms of this subdivision or the First Amendment
2.18 of the United States Constitution, nothing in this section inhibits a student media adviser
2.19 from teaching professional standards of English and journalism to student journalists.

2.20 Subd. 3. **Unprotected expression.** (a) This section does not authorize or protect student
2.21 expression that:

2.22 (1) is defamatory;

2.23 (2) is profane, harassing, threatening, or intimidating;

2.24 (3) constitutes an unwarranted invasion of privacy;

2.25 (4) violates federal or state law;

2.26 (5) causes a material and substantial disruption of school activities; or

2.27 (6) is directed to inciting or producing imminent lawless action on school premises or
2.28 the violation of lawful school policies or rules, including a policy adopted in accordance
2.29 with section 121A.03 or 121A.031.

2.30 (b) A school or district must not authorize any prior restraint of school-sponsored media
2.31 except under paragraph (a).

- 3.1 Subd. 4. **Student journalist policy.** School districts and charter schools must adopt and
- 3.2 post a student journalist policy consistent with this section.
- 3.3 **EFFECTIVE DATE.** This section is effective for the 2020-2021 school year and later.