

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

SENATE BILL 1384

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 SUPERVISORS ARE RESPONSIBLE FOR DETERMINING THE CONTENT OF
18 SCHOOL-SPONSORED MEDIA. THIS SECTION 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 D. EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION C OF THIS SECTION,
30 THIS SECTION DOES NOT AUTHORIZE THE PRIOR RESTRAINT OF ANY
31 SCHOOL-SPONSORED MEDIA. A PUBLIC SCHOOL, COMMUNITY COLLEGE OR UNIVERSITY
32 MAY RESTRAIN THE DISTRIBUTION OF CONTENT IN SCHOOL-SPONSORED MEDIA FOR ANY
33 REASON PRESCRIBED IN SUBSECTION C OF THIS SECTION, BUT THE PUBLIC SCHOOL
34 HAS THE BURDEN OF PROVIDING LAWFUL JUSTIFICATION WITHOUT UNDUE DELAY.

35 E. A STUDENT JOURNALIST MAY NOT BE DISCIPLINED SOLELY FOR ACTING IN
36 ACCORDANCE WITH THIS SECTION.

37 F. A STUDENT MEDIA ADVISER MAY NOT BE DISMISSED, SUSPENDED,
38 DISCIPLINED, REASSIGNED, TRANSFERRED OR OTHERWISE RETALIATED AGAINST
39 SOLELY FOR EITHER:

40 1. ACTING TO PROTECT A STUDENT JOURNALIST ENGAGED IN CONDUCT THAT
41 IS PROTECTED UNDER THIS SECTION.

42 2. REFUSING TO INFRINGE ON CONDUCT THAT IS PROTECTED BY THIS
43 SECTION, THE UNITED STATES CONSTITUTION OR THE CONSTITUTION OF ARIZONA.

44 G. EACH SCHOOL DISTRICT GOVERNING BOARD AND EACH CHARTER SCHOOL
45 GOVERNING BODY SHALL ADOPT, IN A REGULAR PUBLIC MEETING, A WRITTEN POLICY

1 THAT INCLUDES WRITTEN CONTENT STANDARDS OR GUIDELINES FOR SCHOOL-SPONSORED
2 MEDIA THAT IS CONSISTENT WITH AND NOT MORE RESTRICTIVE THAN SUBSECTION C
3 OF THIS SECTION.

4 H. ANY EXPRESSION MADE BY A STUDENT IN SCHOOL-SPONSORED MEDIA IS
5 NOT DEEMED TO BE AN EXPRESSION BY OR ON BEHALF OF THE SCHOOL, COMMUNITY
6 COLLEGE OR UNIVERSITY.

7 I. A SCHOOL DISTRICT, CHARTER SCHOOL, COMMUNITY COLLEGE DISTRICT OR
8 UNIVERSITY, OR ANY OFFICIAL, EMPLOYEE OR AGENT OF A SCHOOL DISTRICT,
9 CHARTER SCHOOL, COMMUNITY COLLEGE DISTRICT OR UNIVERSITY, IS NOT LIABLE IN
10 ANY CIVIL OR CRIMINAL ACTION FOR ANY EXPRESSION MADE OR PUBLISHED BY A
11 STUDENT IN SCHOOL-SPONSORED MEDIA.

12 J. FOR THE PURPOSES OF THIS SECTION:

13 1. "COMMUNITY COLLEGE" MEANS A COMMUNITY COLLEGE THAT IS UNDER THE
14 JURISDICTION OF A COMMUNITY COLLEGE DISTRICT.

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

20 3. "STUDENT JOURNALIST" MEANS A PUBLIC HIGH SCHOOL STUDENT, A
21 COMMUNITY COLLEGE STUDENT OR A UNIVERSITY STUDENT WHO GATHERS, COMPILES,
22 WRITES, EDITS, PHOTOGRAPHS, RECORDS OR PREPARES INFORMATION FOR
23 DISSEMINATION IN SCHOOL-SPONSORED MEDIA.

24 4. "STUDENT MEDIA ADVISER" MEANS AN INDIVIDUAL WHO IS EMPLOYED,
25 APPOINTED, OR DESIGNATED BY A PUBLIC SCHOOL, A COMMUNITY COLLEGE OR A
26 UNIVERSITY TO SUPERVISE OR PROVIDE TO STUDENTS INSTRUCTION RELATING TO
27 SCHOOL-SPONSORED MEDIA.

28 5. "STUDENT SUPERVISOR" MEANS A STUDENT ENROLLED IN A PUBLIC SCHOOL
29 WHO IS RESPONSIBLE FOR EDITING SCHOOL-SPONSORED MEDIA.

30 6. "UNIVERSITY" MEANS A UNIVERSITY THAT IS UNDER THE JURISDICTION
31 OF THE ARIZONA BOARD OF REGENTS.