

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

A Bill

HOUSE BILL 1432

5 By: Representative J. Mayberry
6 By: Senator M. Johnson
7

For An Act To Be Entitled

9 AN ACT TO AMEND THE ARKANSAS STUDENT PUBLICATIONS
10 ACT; AND FOR OTHER PURPOSES.
11

Subtitle

12
13 TO AMEND THE ARKANSAS STUDENT
14 PUBLICATIONS ACT.
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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20 SECTION 1. Arkansas Code §§ 6-18-1202 – 6-18-1204 are amended to read
21 as follows:

22 6-18-1202. Written policy.

23 Each school district board of directors shall adopt rules and
24 regulations in the form of a written ~~student-publications~~ school-sponsored
25 media policy developed in conjunction with the student ~~publication~~ media
26 advisors and the appropriate school administrators, consistent with the other
27 provisions of this subchapter, which shall include reasonable provisions for
28 the time, place, and manner of distributing ~~student-publications~~ school-
29 sponsored media.
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31 6-18-1203. Students' right of expression.

32 (a) ~~Student-publications~~ School-sponsored media policies shall
33 recognize that ~~students~~ student journalists may exercise their right of
34 expression, within the framework outlined in § 6-18-1202.

35 (b)(1) This right includes expression in school-sponsored ~~publications~~
36 media, whether such ~~publications are~~ school-sponsored media are supported



1 financially by the school or by use of school facilities, or are produced in
 2 conjunction with a class, except as provided in § 6-18-1204.

3 (2)(A) Expression made by a student journalist in school-
 4 sponsored media is not the expression of a school district's policy.

5 (B) The following individuals shall not be held
 6 responsible in any civil or criminal action for any expression made or
 7 published by a student journalist in school-sponsored media unless the
 8 individual interfered with, altered, or made substantial decisions with
 9 respect to the content of the student expression:

10 (i) A public school district official; and

11 (ii) A member of a public school district board of
 12 directors.

13 (c) A student journalist shall not be disciplined for acting in
 14 accordance with this subchapter.

15
 16 6-18-1204. Prohibited publications.

17 Student publications policies shall recognize that truth, fairness,
 18 accuracy, and responsibility are essential to the practice of journalism, and
 19 that the following types of ~~publications~~ school-sponsored media by ~~students~~
 20 student journalists are not authorized:

21 (1) ~~Publications~~ School-sponsored media that are obscene as to
 22 minors, as defined by state law;

23 (2) ~~Publications~~ School-sponsored media that are libelous or
 24 slanderous, as defined by state law;

25 (3) ~~Publications~~ School-sponsored media that constitute an
 26 unwarranted invasion of privacy, as defined by state law; ~~or~~ and

27 (4) ~~Publications~~ School-sponsored media that so incite students
 28 as to create:

29 (A) A clear and present danger of the commission of
 30 unlawful acts on school premises;

31 (B) The violation of lawful school regulations; or

32 (C) The material and substantial disruption of the orderly
 33 operation of the school.

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 35 SECTION 2. Arkansas Code Title 6, Chapter 18, Subchapter 12, is
 36 amended to add additional sections to read as follows:

1 6-18-1205. Definitions.

2 As used in this subchapter:

3 (1)(A) "School-sponsored media" means any means of communication
4 that are:

5 (i) Prepared, substantially written, published, or
6 broadcasted by a student;

7 (ii) Distributed or generally made available, either
8 free of charge or for a fee, to members of the student body; and

9 (iii) Prepared under the direction of a student
10 media advisor.

11 (B) "School-sponsored media" does not include media that
12 is intended for distribution or transmission solely in the classroom in which
13 it is produced;

14 (2) "Student journalist" means a student who gathers, writes,
15 edits, photographs, records, video tapes, or prepares information for
16 dissemination in school-sponsored media; and

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

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21 6-18-1206. Student media advisor – Rights.

22 A student media advisor shall not be terminated, transferred, removed,
23 or otherwise disciplined for refusing to suppress a student journalist's
24 right of expression under this subchapter.