

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

As Engrossed: H2/25/19

# A Bill

HOUSE BILL 1432

5 By: Representatives J. Mayberry, *Lowery*  
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* media policies shall recognize that ~~students~~ student  
33 journalists may exercise their right of *expression within the framework*  
34 outlined in § 6-18-1202 guaranteed by the First Amendment to the Constitution  
35 of the United States.  
36

(b)(1) This right includes expression in school-sponsored ~~publications~~



1 media, whether such ~~publications~~ are student media are supported financially  
 2 by the school or by use of school facilities, or are produced in conjunction  
 3 with a class, except as provided in § 6-18-1204.

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

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

11 (i) A public school district official; and

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

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

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 17 6-18-1204. Prohibited publications.

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

22 (1) ~~Publications~~ Student media that are obscene as to minors, as  
 23 defined by state law;

24 (2) ~~Publications~~ Student media that are libelous or slanderous,  
 25 as defined by state law;

26 (3) ~~Publications~~ Student media that constitute an unwarranted  
 27 invasion of privacy, as defined by state law; ~~or~~ and

28 (4) ~~Publications~~ Student media that so incite students as to  
 29 create:

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

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

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

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 36 SECTION 2. Arkansas Code Title 6, Chapter 18, Subchapter 12, is

1 amended to add additional sections to read as follows:

2 6-18-1205. Definitions.

3 As used in this subchapter:

4 (1)(A) "Student media" means any means of communication that  
5 are:

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

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

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

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

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

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

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22 6-18-1206. Student media advisor – Rights.

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

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27 /s/J. Mayberry  
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