

Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas As Engrossed: H2/25/19 H3/11/19 S4/2/19

2 92nd General Assembly

A Bill

3 Regular Session, 2019

HOUSE BILL 1432

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5 By: Representatives J. Mayberry, Lowery

6 By: Senator M. Johnson

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For An Act To Be Entitled

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AN ACT TO AMEND THE ARKANSAS STUDENT PUBLICATIONS

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ACT; AND FOR OTHER PURPOSES.

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Subtitle

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TO AMEND THE ARKANSAS STUDENT

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PUBLICATIONS ACT.

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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SECTION 1. Arkansas Code §§ 6-18-1202 – 6-18-1204 are amended to read

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as follows:

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6-18-1202. Written policy.

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Each school district board of directors shall adopt rules and regulations in the form of a written ~~student publications~~ media policy developed in conjunction with the student ~~publication~~ media advisors and the appropriate school administrators, consistent with the other provisions of this subchapter, which shall include reasonable provisions for the time, place, and manner of distributing ~~student publications~~ school-sponsored media.

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6-18-1203. Students' right of expression.

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(a) Student media policies shall recognize that students may exercise their right of expression ~~within the framework outlined in § 6-18-1202 guaranteed by the First Amendment to the Constitution of the United States.~~

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

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

3 (2)(A) Expression made by a student journalist in student media
4 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 student media unless the individual
8 interfered with, altered, or made substantial decisions with respect to the
9 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.

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14 6-18-1204. Prohibited publications.

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

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

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

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

25 (4) ~~Publications~~ Student media that so incite students as to
26 create:

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

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

30 (C) The material and substantial disruption of the orderly
31 operation of the school-; and

32 (5) Student media that harass, threaten, or intimidate a
33 student.

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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) "Student media" means any means of communication that
4 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) "Student media" does not include media that is
12 intended for distribution or transmission solely in the classroom in which it
13 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 student 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 student media.

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22 /s/J. Mayberry
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