

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

State of Arkansas *As Engrossed: H2/25/19 H3/11/19 S4/2/19*
92nd General Assembly **A Bill**
Regular Session, 2019

HOUSE BILL 1432

By: Representatives J. Mayberry, *Lowery*

By: Senator M. Johnson

For An Act To Be Entitled

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

Subtitle

TO AMEND THE ARKANSAS STUDENT
PUBLICATIONS ACT.

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

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

6-18-1202. Written policy.

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.

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

(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.~~*

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



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

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

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

(i) A public school district official; and

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

6-18-1204. Prohibited publications.

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

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

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

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

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

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

(B) The violation of lawful school regulations; or

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

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

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

6-18-1205. Definitions.

As used in this subchapter:

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

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

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

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

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

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

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

/s/J. Mayberry