
SUBSTITUTE SENATE BILL 5370

State of Washington

52nd Legislature

1991 Regular Session

By Senate Committee on Education (originally sponsored by Senators Rinehart, Talmadge, Murray and Pelz).

Read first time March 5, 1991.

1 AN ACT Relating to responsible expression in the public schools;
2 adding new sections to chapter 28A.600 RCW; and creating a new section.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** The legislature intends to encourage
5 students in the public schools of the state to develop as responsible
6 citizens. The legislature finds that an important part of citizenship
7 education is learning how to responsibly use the rights of freedom of
8 expression guaranteed to every citizen of this state and nation by the
9 First Amendment of the United States Constitution and by Article 1,
10 section 5 of the state Constitution. The legislature further finds
11 that teaching students about the guarantees of freedom of expression
12 and how to use those freedoms in a democratic society will help further
13 implement the requirements of RCW 28A.405.030 that students be taught
14 the true comprehension of the rights, duty, and dignity of American
15 citizenship.

1 NEW SECTION. **Sec. 2.** Students in public schools shall have
2 the right to exercise freedom of speech and of the press.

3 NEW SECTION. **Sec. 3.** Students shall not use expression that
4 is:

5 (1) Obscene as to minors as defined by state law;

6 (2) Libelous or slanderous as defined by state law;

7 (3) So inciteful to other students that it creates a clear and
8 present danger of:

9 (a) The commission of unlawful acts;

10 (b) The violation of lawful school regulations; or

11 (c) The material and substantial disruption of the orderly
12 operation of the school;

13 (4) False as to any person who is not a public figure or involved
14 in a matter of public concern or that violates the rights of others to
15 privacy; or

16 (5) Inconsistent with professional standards.

17 NEW SECTION. **Sec. 4.** Each school district board of directors
18 shall adopt policies providing for students' freedom of expression and
19 responsibilities in exercising that freedom of expression consistent
20 with sections 2 through 6 of this act. The policies shall include
21 reasonable provisions for the time, place, and manner of student
22 expression. The policy may include disciplinary action for students
23 who disregard the policy. The policies shall be distributed to all
24 students and teachers at the beginning of each school year.

25 NEW SECTION. **Sec. 5.** A student publication or production,
26 whether or not sponsored by the school, shall not be subject to prior
27 restraints by school administrators. Student editors of school-

1 sponsored student publications shall be responsible for determining the
2 news, opinion, and advertising content of their publications consistent
3 with the school district policy. Student directors of school-sponsored
4 dramatic productions shall be responsible for determining the content
5 of their productions consistent with the school district policy. The
6 certificated instructional staff person responsible for supervising the
7 school-sponsored publication or production shall teach and encourage
8 the use of free and responsible expression and professional standards
9 for English, dramatic productions, and journalism and shall enforce
10 compliance with school district policy.

11 NEW SECTION. **Sec. 6.** Expressions by students in the exercise
12 of freedom of speech or of the press shall not be deemed to be an
13 expression of school policy. Students are liable in any civil or
14 criminal action for any expression made or published by students.
15 School districts and school employees are not liable in any civil or
16 criminal action for any expression made or published by students. Any
17 intentional or knowing act in the course of professional practice that
18 is performed in wanton disregard for the school district policy or
19 sections 2 through 7 of this act is an act of unprofessional conduct.

20 NEW SECTION. **Sec. 7.** If any provision of this act or its
21 application to any person or circumstance is held invalid, the
22 remainder of the act or the application of the provision to other
23 persons or circumstances is not affected.

24 NEW SECTION. **Sec. 8.** Sections 2 through 6 of this act are
25 each added to chapter 28A.600 RCW.