
SENATE BILL 5370

State of Washington 52nd Legislature 1991 Regular Session

By Senators Rinehart, Talmadge, Murray and Pelz.

Read first time January 30, 1991. Referred to Committee on Education.

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; or

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.

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

23 NEW SECTION. **Sec. 5.** A student publication or production,
24 whether or not sponsored by the school, shall not be subject to prior
25 restraints by school administrators. Student editors of school-
26 sponsored student publications shall be responsible for determining the
27 news, opinion, and advertising content of their publications. Student

1 directors of school-sponsored dramatic productions shall be responsible
2 for determining the content of their productions. The certificated
3 instructional staff person responsible for supervising the school-
4 sponsored publication or production shall teach and encourage the use
5 of free and responsible expression and professional standards for
6 English, dramatic productions, and journalism.

7 NEW SECTION. **Sec. 6.** Expressions by students in the exercise
8 of freedom of speech or of the press shall not be deemed to be an
9 expression of school policy. School districts, school employees,
10 parents, or legal guardians are not liable in any civil or criminal
11 action for any expression made or published by students.

12 NEW SECTION. **Sec. 7.** If any provision of this act or its
13 application to any person or circumstance is held invalid, the
14 remainder of the act or the application of the provision to other
15 persons or circumstances is not affected.

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