

SSB 5064 - H COMM AMD  
By Committee on Judiciary

ADOPTED AS AMENDED 03/02/2018

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 28A.600  
4 RCW to read as follows:

5 (1) Student editors of school-sponsored media are responsible for  
6 determining the news, opinion, feature, and advertising content of  
7 the media subject to the limitations of subsection (2) of this  
8 section. This subsection does not prevent a student media adviser  
9 from teaching professional standards of English and journalism to the  
10 student journalists. A student media adviser may not be terminated,  
11 transferred, removed, or otherwise disciplined for complying with  
12 this section.

13 (2) School officials may only prohibit student expression that:

14 (a) Is libelous or slanderous;

15 (b) Is an unwarranted invasion of privacy;

16 (c) Violates federal or state laws, rules, or regulations;

17 (d) Incites students to violate federal or state laws, rules, or  
18 regulations;

19 (e) Violates school district policy or procedure related to  
20 harassment, intimidation, or bullying pursuant to RCW 28A.300.285 or  
21 the prohibition on discrimination pursuant to RCW 28A.642.010;

22 (f) Inciting of students so as to create a clear and present  
23 danger of:

24 (i) The commission of unlawful acts on school premises;

25 (ii) The violation of lawful school district policy or procedure;

26 or

27 (iii) The material and substantial disruption of the orderly  
28 operation of the school. A school official must base a forecast of  
29 material and substantial disruption on specific facts, including past  
30 experience in the school and current events influencing student  
31 behavior, and not on undifferentiated fear or apprehension; or

1 (g) Is in violation of the federal communications act or  
2 applicable federal communication commission rules or regulations.

3 (3) Political expression by students in school-sponsored media  
4 shall not be deemed the use of public funds for political purposes,  
5 for purposes of the prohibitions of RCW 42.17A.550.

6 (4) Any student, individually or through his or her parent or  
7 guardian, enrolled in a public high school may file an appeal of any  
8 alleged violation of subsection (1) of this section pursuant to  
9 chapter 28A.645 RCW.

10 (5) Expression made by students in school-sponsored media is not  
11 necessarily the expression of school policy. Neither a school  
12 official nor the governing board of the school or school district may  
13 be held responsible in any civil or criminal action for any  
14 expression made or published by students in school-sponsored media.

15 (6) Each school district that includes a high school shall adopt  
16 a written student freedom of expression policy in accordance with  
17 this section. The policy may include reasonable provisions for the  
18 time, place, and manner of student expression.

19 (7) The definitions in this subsection apply throughout this  
20 section unless the context clearly requires otherwise.

21 (a) "School-sponsored media" means any matter that is prepared,  
22 substantially written, published, or broadcast by student  
23 journalists, that is distributed or generally made available, either  
24 free of charge or for a fee, to members of the student body, and that  
25 is prepared under the direction of a student media adviser. "School-  
26 sponsored media" does not include media that is intended for  
27 distribution or transmission solely in the classrooms in which they  
28 are produced.

29 (b) "Student journalist" means a student who gathers, compiles,  
30 writes, edits, photographs, records, or prepares information for  
31 dissemination in school-sponsored media.

32 (c) "Student media adviser" means a person who is employed,  
33 appointed, or designated by the school to supervise, or provide  
34 instruction relating to, school-sponsored media.

35 NEW SECTION. **Sec. 2.** A new section is added to chapter 28B.10  
36 RCW to read as follows:

37 (1) Students at institutions of higher education have the right  
38 to exercise freedom of speech and of the press in school-sponsored  
39 media, whether or not the media are supported financially by the

1 school or by use of school facilities, or are produced in conjunction  
2 with a class. All school-sponsored media produced primarily by  
3 students at an institution of higher education are public forums for  
4 expression by the student journalists and student editors at the  
5 particular institution. Student media, whether school-sponsored or  
6 nonschool sponsored, are not subject to mandatory prior review by  
7 school officials.

8 (2) Student editors of school-sponsored media are responsible for  
9 determining the news, opinion, feature, and advertising content of  
10 the media. This subsection does not prevent a student media adviser  
11 from teaching professional standards of English and journalism to the  
12 student journalists. A student media adviser may not be terminated,  
13 transferred, removed, or otherwise disciplined for refusing to  
14 suppress the protected free expression rights of student journalists.

15 (3) Nothing in this section may be interpreted to authorize  
16 expression by students that:

- 17 (a) Is libelous or slanderous;
- 18 (b) Constitutes an unwarranted invasion of privacy;
- 19 (c) Violates the federal communications act or any rule or  
20 regulation of the federal communications commission; or
- 21 (d) So incites students as to create a clear and present danger  
22 of:
  - 23 (i) The commission of unlawful acts on school premises;
  - 24 (ii) The violation of lawful school regulations, policies, or  
25 procedures; or
  - 26 (iii) The material and substantial disruption of the orderly  
27 operation of the school. A school official must base a forecast of  
28 material and substantial disruption on specific facts, including past  
29 experience in the school and current events influencing student  
30 behavior, and not on undifferentiated fear or apprehension.

31 (4) Any student enrolled in an institution of higher education  
32 may commence a civil action to obtain appropriate injunctive and  
33 declaratory relief as determined by a court for a violation of  
34 subsection (1) of this section by the institution of higher  
35 education. Upon a motion, a court may award reasonable attorneys'  
36 fees to a prevailing plaintiff in a civil action brought under this  
37 section.

38 (5) Expression made by students in school-sponsored media is not  
39 the expression of school policy. Neither a school official nor the  
40 governing board of any institution of higher education may be held

1 responsible in any civil or criminal action for any expression made  
2 or published by students in school-sponsored media unless school  
3 officials or the governing board have interfered with or altered the  
4 content of the student expression.

5 (6) The definitions in this subsection apply throughout this  
6 section unless the context clearly requires otherwise.

7 (a) "School-sponsored media" means any matter that is prepared,  
8 substantially written, published, or broadcast by student  
9 journalists, that is distributed or generally made available, either  
10 free of charge or for a fee, to members of the student body, and that  
11 is prepared under the direction of a student media adviser. "School-  
12 sponsored media" does not include media that is intended for  
13 distribution or transmission solely in the classrooms in which they  
14 are produced.

15 (b) "Student journalist" means a student who gathers, compiles,  
16 writes, edits, photographs, records, or prepares information for  
17 dissemination in school-sponsored media.

18 (c) "Student media adviser" means a person who is employed,  
19 appointed, or designated by the school to supervise, or provide  
20 instruction relating to, school-sponsored media.

21 NEW SECTION. **Sec. 3.** If any provision of this act or its  
22 application to any person or circumstance is held invalid, the  
23 remainder of the act or the application of the provision to other  
24 persons or circumstances is not affected."

25 Correct the title.

EFFECT: (1) For common schools:

(a) Allows for the restriction of expression that violates or  
incites students to violate federal or state laws, rules, or  
regulations.

(b) Allows for the restriction of expression that violates school  
district policy or procedure related to harassment, intimidation,  
bullying, or discrimination.

(c) Clarifies that any expression that violates the Federal  
Communications Act is prohibited.

(2) For public institutions of higher education, provides that  
expression that so incites students as to create a clear and present  
danger of the violation of lawful school policies and procedures, in  
addition to lawful school regulations, is prohibited.

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