

**FIRST ENGROSSMENT
with Senate Amendments
ENGROSSED HOUSE BILL NO. 1471**

Introduced by

Representatives Looyesen, Rick C. Becker, Haak, Mock

Senators Grabinger, Luick

1 A BILL for an Act to create and enact a new section to chapters 15-10 and 15.1-06 of the North
2 Dakota Century Code, relating to freedom of expression rights of students of public institutions
3 of higher education and public schools.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1.** A new section to chapter 15-10 of the North Dakota Century Code is created
6 and enacted as follows:

7 **Student journalists - Freedom of expression - Civil remedy.**

8 1. As used in this section:

- 9 a. "School-sponsored media" means any material that is prepared, substantially
10 written, published, or broadcast by a student journalist at an institution under the
11 supervision of the state board of higher education, distributed or generally made
12 available to members of the student body, and prepared under the direction of a
13 student media adviser. The term does not include any media intended for
14 distribution or transmission solely in the classroom in which the media is
15 produced.
- 16 b. "Student journalist" means a student of an institution under the supervision of the
17 state board of higher education who gathers, compiles, writes, edits,
18 photographs, records, or prepares information for dissemination in
19 school-sponsored media.
- 20 c. "Student media adviser" means an individual employed, appointed, or designated
21 by an institution under the supervision of the state board of higher education to
22 supervise or provide instruction relating to school-sponsored media.
- 23 2. Except as provided in subsection 3, a student journalist has the right to exercise
24 freedom of speech and of the press in school-sponsored media, regardless of whether

1 the media is supported financially by the institution or by use of facilities of the
2 institution or produced in conjunction with a class in which the student is enrolled.
3 Subject to subsection 3, a student journalist is responsible for determining the news,
4 opinion, feature, and advertising content of school-sponsored media. This subsection
5 may not be construed to prevent a student media adviser from teaching professional
6 standards of English and journalism to student journalists.

7 3. This section does not authorize or protect expression by a student that:

8 a. Is libelous or slanderous;

9 b. Constitutes an unwarranted invasion of privacy;

10 c. Violates federal or state law; or

11 d. So incites students as to create a clear and present danger of the commission of
12 an unlawful act, the violation of institution or state board of higher education
13 policies, or the material and substantial disruption of the orderly operation of the
14 institution.

15 **SECTION 2.** A new section to chapter 15.1-06 of the North Dakota Century Code is created
16 and enacted as follows:

17 **Student journalists - Freedom of expression - Civil remedy.**

18 1. As used in this section:

19 a. "School-sponsored media" means any material that is prepared, substantially
20 written, published, or broadcast by a student journalist at a public school,
21 distributed or generally made available to members of the student body, and
22 prepared under the direction of a student media adviser. The term does not
23 include any media intended for distribution or transmission solely in the
24 classroom in which the media is produced.

25 b. "Student journalist" means a public school student who gathers, compiles, writes,
26 edits, photographs, records, or prepares information for dissemination in
27 school-sponsored media.

28 c. "Student media adviser" means an individual employed, appointed, or designated
29 by a school district to supervise or provide instruction relating to
30 school-sponsored media.

- 1 2. Except as provided in subsection 3, a student journalist has the right to exercise
2 freedom of speech and of the press in school-sponsored media, regardless of whether
3 the media is supported financially by the school district, by use of facilities of the
4 school district, or produced in conjunction with a class in which the student is enrolled.
5 Subject to subsection 3, a student journalist is responsible for determining the news,
6 opinion, feature, and advertising content of school-sponsored media. This subsection
7 may not be construed to prevent a student media adviser from teaching professional
8 standards of English and journalism to student journalists.
- 9 3. This section does not authorize or protect expression by a student that:
- 10 a. Is libelous or slanderous;
11 b. Constitutes an unwarranted invasion of privacy;
12 c. Violates federal or state law; or
13 d. So incites students as to create a clear and present danger of the commission of
14 an unlawful act, the violation of school district policy, or the material and
15 substantial disruption of the orderly operation of the school.
- 16 4. A school district may not authorize any prior restraint of any school-sponsored media
17 except when the media:
- 18 a. Is libelous or slanderous;
19 b. Constitutes an unwarranted invasion of privacy;
20 c. Violates federal or state law; or
21 d. So incites students as to create a clear and present danger of the commission of
22 an unlawful act, the violation of school district policies, or the material and
23 substantial disruption of the orderly operation of the school.
- 24 5. A school district may not sanction a student operating as an independent journalist.
- 25 6. Each school district shall adopt a written student freedom of expression policy in
26 accordance with this section. The policy must include reasonable provisions for the
27 time, place, and manner of student expression. The policy may also include limitations
28 to language that may be defined as profane, harassing, threatening, or intimidating.