

AMENDMENTS TO LB206

Introduced by Judiciary.

1           1. Strike the original sections and insert the following new  
2 sections:

3           Section 1. (1) For purposes of this section:

4           (a) Postsecondary educational institution means the University of  
5 Nebraska, a state college, or a community college;

6           (b) School-sponsored media means any material that is (i) prepared,  
7 substantially written, published, or broadcast by a student journalist at  
8 a postsecondary educational institution, (ii) distributed or generally  
9 made available to members of the student body, and (iii) prepared under  
10 the direction of a student media adviser. School-sponsored media does not  
11 include any media intended for distribution or transmission solely for  
12 the class in which the media is produced;

13           (c) Student journalist means a student at a postsecondary  
14 educational institution who gathers, compiles, writes, edits,  
15 photographs, records, or prepares information of a journalistic nature  
16 for dissemination in school-sponsored media; and

17           (d) Student media adviser means an individual employed, appointed,  
18 or designated by a postsecondary educational institution to supervise or  
19 provide instruction relating to school-sponsored media.

20           (2)(a) All school-sponsored media are deemed to be public forums.  
21 Subject to subsection (3) of this section, a student journalist has a  
22 right to exercise freedom of speech and of the press in school-sponsored  
23 media, regardless of whether the media is supported financially by the  
24 postsecondary educational institution, supported by the use of the  
25 facilities of such institution, or produced in conjunction with a class  
26 in which the student journalist is enrolled.

27           (b) Subject to subsection (3) of this section, each student

1 journalist is responsible for determining the news, opinion, feature,  
2 sports, and advertising content such student produces for school-  
3 sponsored media. This subdivision shall not be construed to prevent a  
4 student media adviser from teaching professional standards of English and  
5 journalism to student journalists or ensuring that school-sponsored media  
6 adhere to prevailing journalistic ethical standards.

7 (3) This section does not authorize or protect expression by a  
8 student journalist that:

9 (a) Is libelous or slanderous;

10 (b) Constitutes an unwarranted invasion of privacy;

11 (c) Violates federal or state law;

12 (d) Departs from prevailing journalistic ethical standards; or

13 (e) So incites students as to create a clear and present danger of  
14 (i) the commission of an unlawful act, (ii) a violation of the policies  
15 of a postsecondary educational institution, or (iii) the material and  
16 substantial disruption of the orderly operation of such institution.

17 (4) A student journalist shall not be disciplined for acting in  
18 accordance with subsection (2) of this section.

19 (5) A student media adviser shall not be dismissed, suspended,  
20 disciplined, reassigned, transferred, or otherwise retaliated against  
21 for:

22 (a) Acting to protect a student journalist engaged in conduct under  
23 subsection (2) of this section; or

24 (b) Refusing to infringe upon conduct that is protected by  
25 subsection (2) of this section or the First Amendment to the Constitution  
26 of the United States.

27 (6) No publication or other expression of matter by a student  
28 journalist in the exercise of rights under this section shall be deemed  
29 to be an expression of a postsecondary educational institution's policy.

30 Sec. 2. For purposes of this section:

31 (a) Public high school means any high school operated by a school

1 district;

2 (b) School-sponsored media means any material that is (i) prepared,  
3 substantially written, published, or broadcast by a student journalist at  
4 a public high school, (ii) distributed or generally made available to  
5 members of the student body, and (iii) prepared under the direction of a  
6 student media adviser. School-sponsored media does not include any media  
7 intended for distribution or transmission solely for the class in which  
8 the media is produced;

9 (c) Student journalist means a public high school student who  
10 gathers, compiles, writes, edits, photographs, records, or prepares  
11 information of a journalistic nature for dissemination in school-  
12 sponsored media; and

13 (d) Student media adviser means an individual employed, appointed,  
14 or designated by a public high school to supervise or provide instruction  
15 relating to school-sponsored media.

16 (2)(a) All school-sponsored media are deemed to be public forums.  
17 Subject to subsection (3) of this section, a student journalist has a  
18 right to exercise freedom of speech and of the press in school-sponsored  
19 media, regardless of whether the media is supported financially by the  
20 public high school, supported by the use of the facilities of such  
21 school, or produced in conjunction with a class in which the student  
22 journalist is enrolled.

23 (b) Subject to subsection (3) of this section, each student  
24 journalist is responsible for determining the news, opinion, feature,  
25 sports, and advertising content such student produces for school-  
26 sponsored media. This subdivision shall not be construed to prevent a  
27 student media adviser from teaching professional standards of English and  
28 journalism to student journalists or ensuring that school-sponsored media  
29 adhere to prevailing journalistic ethical standards.

30 (3) This section does not authorize or protect expression by a  
31 student journalist that:

- 1       (a) Is libelous or slanderous;
- 2       (b) Constitutes an unwarranted invasion of privacy;
- 3       (c) Violates federal or state law;
- 4       (d) Departs from prevailing journalistic ethical standards; or
- 5       (e) So incites students as to create a clear and present danger of
- 6       (i) the commission of an unlawful act or (ii) a violation of the policies
- 7       of a public high school that could cause the material and substantial
- 8       disruption of the orderly operation of such school.

9       (4) A student journalist shall not be disciplined for acting in  
10       accordance with subsection (2) of this section.

11       (5) A student media adviser shall not be dismissed, suspended,  
12       disciplined, reassigned, transferred, or otherwise retaliated against  
13       for:

14       (a) Acting to protect a student journalist engaged in conduct under  
15       subsection (2) of this section; or

16       (b) Refusing to infringe upon conduct that is protected by  
17       subsection (2) of this section or the First Amendment to the Constitution  
18       of the United States.

19       (6) No publication or other expression of matter by a student  
20       journalist in the exercise of rights under this section shall be deemed  
21       to be an expression of a public high school's policy.

22       (7) Public high schools and student media advisers shall make  
23       efforts to utilize the resources and programs of state public and private  
24       universities and colleges and of state professional journalism  
25       organizations to obtain training and advice on mass media law and ethics  
26       for student media advisers and student journalists.