

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2918
103RD GENERAL ASSEMBLY

5792H.02C

JOSEPH ENGLER, Chief Clerk

AN ACT

To amend chapters 171 and 173, RSMo, by adding thereto two new sections relating to student journalists.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapters 171 and 173, RSMo, are amended by adding thereto two new sections, to be known as sections 171.200 and 173.1551, to read as follows:

171.200. 1. This section and section 173.1551 shall be known and may be cited as the "Cronkite Journalistic Standards and New Voices Act".

2. As used in this section, the following terms mean:

(1) "Cronkite Journalistic Standards", the following standards required of a news source:

(a) The news source adheres to the objectivity norm, which requires:

a. Separating news and commentary;

b. Prioritizing verification over speed;

c. Ensuring any personal imprint on facts being reported is minimal; and

d. Serving the public rather than the newsroom brand;

(b) At least fifty-one percent of the material in the news source constitutes "news", defined as material that presents only facts without hearsay or anonymous quotes, relies only on sources that have been verified, presents both sides of a position, and excludes any language that colors the perception of the consumer;

(c) Commentary and editorial material constitute ten percent or less of the news source;

(d) Any commentary in the news section of the news source is clearly identified and separated from the news article or material;

EXPLANATION — Matter enclosed in bold-faced brackets ~~thus~~ in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

19 (e) Before publication of the news source, the fairness doctrine, which required
20 broadcasters to afford reasonable opportunity for the discussion of conflicting views on
21 issues of public importance, is considered for guidance in upholding the Cronkite
22 Journalistic Standards. This subdivision shall not be construed to require adherence to
23 the fairness doctrine; and

24 (f) The news source is not perceived or deemed to have supported or opposed
25 any subject covered, as determined from the perspective of a reasonable consumer of
26 the news source;

27 (2) "School-sponsored media", any material that is prepared, substantially
28 written, published, or broadcast by a student journalist at a public high school;
29 distributed or generally made available to members of the student body; and prepared
30 under the direction of a student-media advisor. "School-sponsored media" does not
31 include any media intended for distribution or transmission solely in the classroom in
32 which the media is produced;

33 (3) "Student journalist", a public high school student who gathers, compiles,
34 writes, edits, photographs, records, produces, or prepares content for dissemination in
35 school-sponsored media;

36 (4) "Student-media advisor", an individual employed, appointed, or designated
37 by a school district to supervise or provide instruction relating to school-sponsored
38 media.

39 3. Subject to the provisions of this section, the freedom of the press in school-
40 sponsored media shall be protected. A student journalist has the right to exercise
41 freedom of speech and of the press in school-sponsored media. Material in school-
42 sponsored media shall not be suppressed solely because it involves political or
43 controversial subject matter.

44 4. School districts and student-media advisors may regulate the number, length,
45 frequency, and format of school-sponsored media. Review of material prepared for
46 school-sponsored media and encouragement of the expression of such material in a
47 manner that is consistent with professional standards of English and journalism shall
48 not be deemed to be or construed as an abridgement of the right to freedom of
49 expression in school-sponsored media or a restraint on publication of the material
50 therein.

51 5. A school district shall not authorize any prior restraint of any school-
52 sponsored media except if the administration or student-media advisor reasonably
53 determines or anticipates that the media:

54 (1) Is libelous or slanderous;

55 (2) Constitutes an invasion of privacy;

56 (3) Violates federal or state law;

57 (4) Is a threat of violence;

58 (5) Advertises a product or service that is illegal or is not permitted to be sold to
59 minors by law;

60 (6) Violates the rights of others;

61 (7) Is likely to incite students to commit an unlawful act or to violate school
62 district policy or procedure; or

63 (8) Is likely to materially and substantially disrupt or interfere with the orderly
64 operation of the school.

65 6. Subject to the limitations imposed by this section, student journalists are
66 responsible for determining the news, opinion, and advertising content of school-
67 sponsored media. Student-media advisors are responsible for teaching and encouraging
68 free and responsible expression of material and professional standards of English and
69 journalism. No student-media advisor shall be disciplined, terminated from
70 employment, transferred, or relieved of duties imposed under this subsection for
71 refusal to abridge or infringe upon the right to freedom of expression conferred by this
72 section.

73 7. No publication or other expression of matter by students in the exercise of
74 rights under this section shall be deemed to be an expression of a school district's policy.
75 No school district, member of the board of education, student-media advisor, or
76 employee of a school district shall be held liable in any civil or criminal action for any
77 publication or other expression of matter by student journalists in the exercise of rights
78 under this section except to the extent that such persons or entities actively participated
79 in the conduct that is the subject of the civil or criminal action or knew of the conduct
80 and failed to take timely action to prevent or withdraw such publication or expression
81 that is the subject of the civil or criminal action. A student journalist who has attained
82 the age of majority may be held liable in any civil or criminal action for material
83 expressed in student publications to the extent of such student journalist's responsibility
84 for and involvement in the preparation and publication of such matter.

85 8. Each school district shall adopt a written policy regarding the freedom of the
86 press and expression by students in accordance with this section. The policy shall
87 include reasonable provisions for the time, place, and manner of student expression.
88 The policy may also include limitations regarding language that may be defined as
89 vulgar, obscene, offensively lewd, profane, harassing, threatening, or intimidating.

90 9. School-sponsored media shall not be protected under this section unless the
91 media is a news source that conforms to the Cronkite Journalistic Standards.

92 **10. Commentary and editorial content in school-sponsored media shall be**
93 **protected under this section as long as the content appears in a news source that**
94 **conforms to the Cronkite Journalistic Standards.**

173.1551. 1. As used in this section, the following terms mean:

2 **(1) "Cronkite Journalistic Standards", the same meaning given to the term in**
3 **section 171.200;**

4 **(2) "School-sponsored media", any material that is prepared, substantially**
5 **written, published, or broadcast by a student journalist at a public institution of higher**
6 **education in this state; distributed or generally made available to members of the**
7 **student body; and prepared under the direction of a student-media advisor. "School-**
8 **sponsored media" does not include any media intended for distribution or transmission**
9 **solely in the classroom in which the media is produced;**

10 **(3) "Student journalist", a student of a public institution of higher education**
11 **who gathers, compiles, writes, edits, photographs, records, produces, or prepares**
12 **content for dissemination in school-sponsored media;**

13 **(4) "Student-media advisor", an individual employed, appointed, or designated**
14 **by a public institution of higher education in this state to supervise or provide**
15 **instruction relating to school-sponsored media.**

16 **2. Subject to the provisions of this section, the freedom of the press in school-**
17 **sponsored media shall be protected. A student journalist has the right to exercise**
18 **freedom of speech and of the press in school-sponsored media. Material in school-**
19 **sponsored media shall not be suppressed solely because it involves political or**
20 **controversial subject matter.**

21 **3. Subject to subsection 4 of this section, a student journalist is responsible for**
22 **determining the news, opinion, feature, and advertising content of school-sponsored**
23 **media. This subsection shall not be construed to prevent a student-media advisor from**
24 **teaching professional standards of English and journalism to student journalists.**

25 **4. This section does not authorize or protect expression by a student that:**

26 **(1) Is libelous or slanderous;**

27 **(2) Constitutes an invasion of privacy;**

28 **(3) Violates federal or state law;**

29 **(4) Is likely to incite students to commit an unlawful act or to violate institution**
30 **policy or procedure; or**

31 **(5) Is likely to materially and substantially disrupt or interfere with the orderly**
32 **operation of the institution.**

33 **5. Except as provided in subsection 4 of this section, a student journalist at a**
34 **public institution of higher education in this state shall not be disciplined for exercising**
35 **such student journalist's freedom of expression in school-sponsored media.**

36 **6. A student-media advisor at a public institution of higher education in this**
37 **state shall not be dismissed, suspended, disciplined, reassigned, transferred, or**
38 **otherwise retaliated against for protecting or refusing to infringe on the rights of**
39 **student journalists outlined in this section.**

40 **7. No publication or other expression of matter by students in the exercise of**
41 **rights under this section shall be deemed to be an expression of an institution's policy.**
42 **No public institution of higher education or member of the institution's governing body**
43 **or employee thereof shall be held liable in any civil or criminal action for any**
44 **publication or other expression of matter by student journalists in the exercise of rights**
45 **under this section except to the extent that such persons or entities actively participated**
46 **in the conduct that is the subject of the civil or criminal action.**

47 **8. School-sponsored media shall not be protected under this section unless the**
48 **media is a news source that conforms to the Cronkite Journalistic Standards.**

49 **9. Commentary and editorial content in school-sponsored media shall be**
50 **protected under this section as long as the content appears in a news source that**
51 **conforms to the Cronkite Journalistic Standards.**

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