

**Enrolled**  
**House Bill 3279**

Sponsored by Representative GALIZIO; Representatives BARKER, BOONE, BUCKLEY, CANNON, HUNT, NOLAN, READ, ROSENBAUM, SHIELDS, TOMEI, WITT, Senator WALKER

CHAPTER .....

AN ACT

Relating to student journalists; and declaring an emergency.

Whereas the Legislative Assembly finds that freedom of expression and freedom of the press are fundamental principles in our democratic society granted to every citizen of the nation by the First Amendment to the United States Constitution and to every resident of this state by section 8, Article I of the Oregon Constitution; and

Whereas these freedoms provide all citizens, including students, with the right to engage in robust and uninhibited discussion of issues; and

Whereas the Legislative Assembly intends to ensure free speech and free press protections for both high school students and students at institutions of higher education in this state in order to encourage students to become educated, informed and responsible members of society; now, therefore,

**Be It Enacted by the People of the State of Oregon:**

**SECTION 1. (1) For the purposes of this section:**

(a) **“School-sponsored media” means materials that are prepared, substantially written, published or broadcast by student journalists, that are distributed or generally made available, either free of charge or for a fee, to members of the student body and that are prepared under the direction of a student media adviser. “School-sponsored media” does not include media intended for distribution or transmission solely in the classrooms in which they are produced.**

(b) **“Student journalist” means a public high school student who gathers, compiles, writes, edits, photographs, records or prepares information for dissemination in school-sponsored media.**

(c) **“Student media adviser” means a person who is employed, appointed or designated by the school district to supervise, or provide instruction relating to, school-sponsored media.**

(2) **Except as provided in subsection (4) of this section, student journalists have the right to exercise freedom of speech and of the press in school-sponsored media, whether or not the media are supported financially by the school or by use of school facilities or are produced in conjunction with a high school class.**

(3) **Student journalists are responsible for determining the news, opinion and feature content of school-sponsored media subject to the limitations of subsection (4) of this section. This subsection does not prevent a student media adviser from teaching professional standards of English and journalism to the student journalists.**

**(4) Nothing in this section may be interpreted to authorize expression by students that:**

- (a) Is libelous or slanderous;**
- (b) Constitutes an unwarranted invasion of privacy;**
- (c) Violates federal or state statutes, rules or regulations or state common law; or**
- (d) So incites students as to create a clear and present danger of:**
  - (A) The commission of unlawful acts on or off school premises;**
  - (B) The violation of school policies; or**
  - (C) The material and substantial disruption of the orderly operation of the school. A**

**school official must base a forecast of material and substantial disruption on specific facts, including past experience in the school and current events influencing student behavior, and not on undifferentiated fear or apprehension.**

**(5) Any student, individually or through the student's parent or guardian, enrolled in a public high school may commence a civil action to obtain damages under this subsection and appropriate injunctive or declaratory relief as determined by a court for a violation of subsection (2) of this section, the First Amendment to the United States Constitution or section 8, Article I of the Oregon Constitution. Upon a motion, a court may award \$100 in damages and injunctive and declaratory relief to a prevailing plaintiff in a civil action brought under this subsection.**

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

**SECTION 2. (1) For the purposes of this section:**

**(a) "Public institution of higher education" means:**

- (A) A community college;**
- (B) A state institution of higher education listed in ORS 352.002; and**
- (C) The Oregon Health and Science University.**

**(b) "School-sponsored media" means materials that are prepared, substantially written, published or broadcast by student journalists, that are distributed or generally made available, either free of charge or for a fee, to members of the student body and that are prepared under the direction of a student media adviser. "School-sponsored media" does not include media intended for distribution or transmission solely in the classrooms in which they are produced.**

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

**(d) "Student media adviser" means a person who is employed, appointed or designated by a public institution of higher education to supervise, or provide instruction relating to, school-sponsored media.**

**(2) Student journalists are responsible for determining the news, opinion, feature and advertising content of school-sponsored media. This subsection does not prevent a student media adviser from teaching professional standards of English and journalism to the student journalists.**

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

- (a) Is libelous or slanderous;**
- (b) Constitutes an unwarranted invasion of privacy;**
- (c) Violates federal or state statutes, rules or regulations or state common law; or**
- (d) So incites students as to create a clear and present danger of:**
  - (A) The commission of unlawful acts on or off school premises;**
  - (B) The violation of school policies; or**
  - (C) The material and substantial disruption of the orderly operation of the school. A**

**school official must base a forecast of material and substantial disruption on specific facts, including past experience in the school and current events influencing student behavior, and not on undifferentiated fear or apprehension.**

(4) Any student enrolled in a public institution of higher education may commence a civil action to obtain damages under this subsection and appropriate injunctive or declaratory relief as determined by a court for a violation of subsection (2) of this section, the First Amendment to the United States Constitution or section 8, Article I of the Oregon Constitution. Upon a motion, a court may award \$100 in damages and injunctive and declaratory relief to a prevailing plaintiff in a civil action brought under this subsection.

**SECTION 3.** (1) Section 1 of this 2007 Act first applies to the 2007-2008 school year.

(2) Section 2 of this 2007 Act first applies to the academic term beginning fall 2007.

**SECTION 4.** This 2007 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect July 1, 2007.

Passed by House May 15, 2007

Received by Governor:

Repassed by House June 18, 2007

.....M.,....., 2007

Approved:

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Chief Clerk of House

.....M.,....., 2007

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Speaker of House

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Governor

Passed by Senate June 11, 2007

Filed in Office of Secretary of State:

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President of Senate

.....M.,....., 2007

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Secretary of State