

By: Rodríguez

S.B. No. 2225

A BILL TO BE ENTITLED

AN ACT

relating to speech protections for student newspapers in public schools.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter Z, Chapter 25, Education Code, is amended by adding Section 25.904 to read as follows:

Sec. 25.904. STUDENT NEWSPAPER. (a) In this section, "protected speech" means speech protected by the First Amendment to the United States Constitution or by Section 8, Article I, Texas Constitution.

(b) The board of trustees of a school district shall adopt a policy providing for freedom of the press for students who publish a student newspaper as part of a journalism, newspaper, yearbook, or writing course or club, regardless of whether the newspaper is published using the district's money, equipment, or facilities.

(c) The policy must:

(1) permit students to determine the content of the newspaper, so long as the content constitutes protected speech;

(2) prohibit the school district or any employee of the district from censoring protected speech or from punishing a student for engaging in protected speech; and

(3) limit the scope and duration of a district employee's review of the newspaper before publication only to what is reasonably necessary to:

1 (A) determine whether the newspaper contains
2 content other than protected speech; and

3 (B) if appropriate, remove content other than
4 protected speech from the newspaper.

5 (d) The publication of a student newspaper may not be
6 unreasonably delayed for purposes of conducting a review described
7 by Subsection (c)(3).

8 (e) An employee of a school district may not be subjected to
9 disciplinary action or any other form of punishment or retaliation
10 for acting to protect or refusing to infringe upon a student's
11 rights as provided by this section.

12 (f) The commissioner shall adopt rules as necessary to
13 implement this section, including rules establishing a process for
14 a student to appeal a school district employee's removal of content
15 from a student newspaper.

16 SECTION 2. Section 12.104(b), Education Code, is amended to
17 read as follows:

18 (b) An open-enrollment charter school is subject to:

19 (1) a provision of this title establishing a criminal
20 offense; and

21 (2) a prohibition, restriction, or requirement, as
22 applicable, imposed by this title or a rule adopted under this
23 title, relating to:

24 (A) the Public Education Information Management
25 System (PEIMS) to the extent necessary to monitor compliance with
26 this subchapter as determined by the commissioner;

27 (B) criminal history records under Subchapter C,

- 1 Chapter 22;
- 2 (C) reading instruments and accelerated reading
- 3 instruction programs under Section 28.006;
- 4 (D) accelerated instruction under Section
- 5 28.0211;
- 6 (E) high school graduation requirements under
- 7 Section 28.025;
- 8 (F) special education programs under Subchapter
- 9 A, Chapter 29;
- 10 (G) bilingual education under Subchapter B,
- 11 Chapter 29;
- 12 (H) prekindergarten programs under Subchapter E
- 13 or E-1, Chapter 29;
- 14 (I) extracurricular activities under Section
- 15 33.081;
- 16 (J) discipline management practices or behavior
- 17 management techniques under Section 37.0021;
- 18 (K) health and safety under Chapter 38;
- 19 (L) public school accountability under
- 20 Subchapters B, C, D, E, F, G, and J, Chapter 39;
- 21 (M) the requirement under Section 21.006 to
- 22 report an educator's misconduct;
- 23 (N) intensive programs of instruction under
- 24 Section 28.0213; ~~and~~
- 25 (O) the right of a school employee to report a
- 26 crime, as provided by Section 37.148; and
- 27 (P) speech protections for student newspapers

1 under Section 25.904.

2 SECTION 3. This Act applies beginning with the 2017-2018
3 school year.

4 SECTION 4. This Act takes effect immediately if it receives
5 a vote of two-thirds of all the members elected to each house, as
6 provided by Section 39, Article III, Texas Constitution. If this
7 Act does not receive the vote necessary for immediate effect, this
8 Act takes effect September 1, 2017.