86R13439 KJE-F

By:  Hughes S.B. No. 1982

A BILL TO BE ENTITLED

AN ACT

relating to speech protections for student journalism at public institutions of higher education.

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

SECTION 1.  Subchapter Z, Chapter 51, Education Code, is amended by adding Section 51.9316 to read as follows:

Sec. 51.9316.  STUDENT JOURNALISM. (a) In this section:

(1)  "Institution of higher education" has the meaning assigned by Section 61.003.

(2)  "Protected speech" means speech protected by the First Amendment to the United States Constitution or by Section 8, Article I, Texas Constitution.

(3)  "Student publication" means any material that is primarily prepared, written, published, or broadcast by students enrolled at an institution of higher education and is:

(A)  distributed or generally made available to students enrolled at the institution; and

(B)  prepared under the direction of a journalism or student publication advisor employed by the institution.

(b)  A student enrolled at an institution of higher education is entitled to exercise freedom of speech and freedom of the press in producing any student publication, including by determining the content of the publication so long as the content constitutes protected speech, regardless of whether the publication is produced using the institution's money, equipment, or facilities or in conjunction with any course in which the student is enrolled at the institution.

(c)  Subsection (b) may not be construed to prohibit a journalism or student publication advisor employed by an institution of higher education from teaching professional standards of English and journalism to students enrolled at the institution.

(d)  A journalism or student publication advisor employed by an institution of higher education may not be subjected to disciplinary action or any other form of punishment or retaliation for acting to protect or refusing to infringe on a student's rights as provided by this section.

(e)  The content of a student publication may not be construed as the policy or position of the institution of higher education at which the publication is produced.

(f)  An institution of higher education or an employee of the institution is not liable in any civil or criminal action for the content of a student publication produced at the institution unless the institution or employee acted with wilful or wanton misconduct in permitting the publication to be produced.

SECTION 2.  This Act applies beginning with the 2019-2020 academic year.

SECTION 3.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2019.