

By: Hughes

S.B. No. 1982

A BILL TO BE ENTITLED

1 AN ACT

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

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

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

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

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

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

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

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

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

20 (b) A student enrolled at an institution of higher education
21 is entitled to exercise freedom of speech and freedom of the press
22 in producing any student publication, including by determining the
23 content of the publication so long as the content constitutes
24 protected speech, regardless of whether the publication is produced

1 using the institution's money, equipment, or facilities or in
2 conjunction with any course in which the student is enrolled at the
3 institution.

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

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

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

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

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

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

S.B. No. 1982

1 Act takes effect September 1, 2019.