

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2023

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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH40395-NH-140

Short Title: Protect School Journalists. (Public)

Sponsors: Representative Longest.

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO CLARIFY THE FREE SPEECH RIGHTS OF STUDENT JOURNALISTS IN  
3 PUBLIC SCHOOLS, CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF  
4 NORTH CAROLINA, AND COMMUNITY COLLEGES.

5 The General Assembly of North Carolina enacts:

6  
7 **PART I. FREE SPEECH FOR STUDENT JOURNALISTS IN PUBLIC SCHOOL UNITS**

8 **SECTION 1.(a)** Chapter 115C of the General Statutes is amended by adding a new  
9 Article to read:

10 "Article 29F.

11 "Student Journalist Press Freedom Restoration Act.

12 **"§ 115C-407.70. Definitions.**

13 The following definitions apply in this Article:

- 14 (1) School-sponsored media. – Any material that is prepared, substantially  
15 written, published, or broadcast, in any media, by a student journalist at a  
16 school within a public school unit under the direction of a student media  
17 adviser and distributed or generally made available to members of the student  
18 body. School-sponsored media does not include media intended for  
19 distribution or transmission for classroom purposes only.  
20 (2) Student journalist. – A student enrolled in a school within a public school unit  
21 who gathers, compiles, writes, edits, photographs, illustrates, or prepares  
22 information for inclusion in school-sponsored media.  
23 (3) Student media adviser. – An individual employed, appointed, or designated  
24 by a public school unit to supervise or provide instruction relating to  
25 school-sponsored media.

26 **"§ 115C-407.71. Student journalists' freedom of expression.**

27 (a) A student journalist has the right to exercise freedom of speech and of the press in  
28 school-sponsored media regardless of whether the media is supported financially by the school,  
29 uses the facilities of the school, or is produced in conjunction with a course or class in which the  
30 student is enrolled. A student journalist is responsible for determining the news, opinion, feature,  
31 and advertising content of school-sponsored media. Student media advisers may teach  
32 professional standards of English and journalism to student journalists, consistent with this  
33 subsection.

34 (b) Subsection (a) of this section does not authorize or protect expression by a student  
35 journalist that is any of the following:

- 36 (1) Libelous or slanderous.



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- 1           (2)     Constitutes an unwarranted invasion of privacy.  
2           (3)     Obscene.  
3           (4)     In violation of federal or State law.  
4           (5)     Inciteful to students as to create a clear and present danger of the commission  
5                 of an unlawful act, the violation of a lawful school district policy, or the  
6                 material and substantial disruption of the orderly operation of the school.  
7                 Administrators shall base a forecast of material and substantial disruption on  
8                 specific facts, including past experience in the school and current events  
9                 influencing student behavior, and not on undifferentiated fear or  
10                apprehension.

11         (c)     There shall be no prior restraint of material prepared for official school publications  
12         except insofar as the material violates the standards of subsection (b) of this section. School  
13         officials shall have the burden of showing prior justification for their limitation of student  
14         journalist expression under this section and affording students a timely opportunity for appeal.

15         (d)     Nothing in this section shall be construed as authorizing the publication of an  
16         advertisement in school-sponsored media that promotes the purchase of a product or service that  
17         is unlawful for purchase or use by minors.

18         **"§ 115C-407.72. Individual protection.**

19         (a)     A student journalist may not be disciplined for acting in accordance with subsection  
20         (a) of G.S. 115C-407.71.

21         (b)     A student media adviser may not be dismissed, suspended, disciplined, reassigned,  
22         transferred, or otherwise retaliated against for:

- 23           (1)     Refusing to infringe on conduct that is protected by G.S. 115C-407.71, the  
24                 First Amendment of the United States Constitution, or Section 14 of Article I  
25                 of the North Carolina Constitution.  
26           (2)     Acting to protect a student journalist engaged in permissible conduct under  
27                 subsection (a) of G.S. 115C-407.71, the First Amendment of the United States  
28                 Constitution, or Section 14 of Article I of the North Carolina Constitution.

29         **"§ 115C-407.73. Policy adoption and court action.**

30         (a)     Governing bodies of public school units shall adopt a written policy for the exercise  
31         of the right of student journalists to freedom of speech and the press in school-sponsored media  
32         in accordance with this Article. At a minimum, the policy shall include:

- 33           (1)     Reasonable provisions for the time, place, and manner of distribution of  
34                 student expression.  
35           (2)     A provision allowing for the timely appeal within the public school unit of a  
36                 decision made pursuant to this section.

37         (b)     No expression made by students in the exercise of free speech or free press rights  
38         shall be deemed to be an expression of school policy, and no school officials or public school  
39         unit shall be held responsible in any civil or criminal action for any expression made or published  
40         by students.

41         (c)     Any student, individually or through a parent or guardian, or student media adviser  
42         may institute proceedings for injunctive or declaratory relief in any court of competent  
43         jurisdiction to enforce the rights provided in this section. Nothing in this section shall be  
44         construed to create any private action on behalf of a student other than to seek injunctive relief  
45         allowing the publication of the speech in question. A court may award reasonable attorneys' fees  
46         to a plaintiff that substantially prevails."

47         **SECTION 1.(b)** G.S. 115C-47 is amended by adding a new subdivision to read:

48         **"(68)** Freedom of Student Press. – Local boards of education shall develop policies  
49         to support student-developed, school-sponsored media in accordance with  
50         Article 29F of this Chapter."

51         **SECTION 1.(c)** G.S. 115C-218.75 is amended by adding a new subsection to read:

1        "(k) Freedom of Student Press. – A charter school shall develop policies to support  
2 student-developed, school-sponsored media in accordance with Article 29F of this Chapter."

3        **SECTION 1.(d)** G.S. 115C-238.66 is amended by adding a new subdivision to read:

4        "(19) Freedom of student press. – A regional school shall develop policies to support  
5 student-developed, school-sponsored media in accordance with Article 29F of  
6 this Chapter."

7        **SECTION 1.(e)** G.S. 116-11 is amended by adding a new subdivision to read:

8        "(15) Freedom of student press. – The Board of Governors shall develop policies  
9 for all public secondary schools under the Board's jurisdiction to support  
10 student-developed, school-sponsored media in accordance with Article 29F of  
11 Chapter 115C of the General Statutes."

## 13 **PART II. FREE SPEECH FOR STUDENT JOURNALISTS AT INSTITUTIONS OF** 14 **HIGHER EDUCATION**

15        **SECTION 2.(a)** Article 36 of Chapter 116 is amended by adding a new section to  
16 read:

### 17 **"§ 116-305. Student Journalist Press Freedom Restoration Act.**

18        (a) Definitions. – The following definitions apply in this section:

19        (1) Student journalist. – A student enrolled at a constituent institution of The  
20 University of North Carolina who gathers, compiles, writes, edits,  
21 photographs, records, or prepares information for inclusion in  
22 university-sponsored media.

23        (2) Student media adviser. – An individual employed, appointed, or designated  
24 by a constituent institution of The University of North Carolina to supervise  
25 or provide instruction relating to university-sponsored media.

26        (3) University-sponsored media. – Any material that is prepared, substantially  
27 written, published, or broadcast, in any media, by a student journalist at a  
28 constituent institution of The University of North Carolina under the direction  
29 of a student media adviser and distributed or generally made available to  
30 members of the student body. University-sponsored media does not include  
31 media intended for distribution or transmission for classroom purposes only.

32        (b) Freedom of Expression. – A student journalist has a right to exercise freedom of  
33 speech and of the press in university-sponsored media as follows:

34        (1) This right exists regardless of whether the media is supported financially by  
35 the institution, uses the facilities of the institution, or is produced in  
36 conjunction with a course or class in which the student is enrolled. A student  
37 journalist is responsible for determining the news, opinion, feature, and  
38 advertising content of university-sponsored media. Student media advisers  
39 may teach professional standards of English and journalism to student  
40 journalists, consistent with this subsection.

41        (2) Subdivision (1) of this subsection does not authorize or protect expression by  
42 a student journalist that is any of the following:

43        a. Libelous or slanderous.

44        b. Constitutes an unwarranted invasion of privacy.

45        c. Obscene.

46        d. In violation of federal or State law.

47        e. Inciteful to students as to create a clear and present danger of the  
48 commission of an unlawful act or the violation of a lawful university  
49 policy.

50        (3) There shall be no prior restraint of material prepared for official university  
51 publications except insofar as the material violates the standards of

1 subdivision (2) of this subsection. University officials shall have the burden  
2 of showing prior justification for their limitation of student journalist  
3 expression under this section and affording students a timely opportunity for  
4 appeal.

5 (4) Nothing in this subsection shall be construed as authorizing the publication of  
6 an advertisement in university-sponsored media that promotes the purchase of  
7 a product or service that is unlawful for purchase or use by minors.

8 (c) Individual Protection. – A student journalist may not be disciplined for acting in  
9 accordance with subdivision (1) of subsection (b) of this section. A student media adviser may  
10 not be dismissed, suspended, disciplined, reassigned, transferred, or otherwise retaliated against  
11 for any of the following:

12 (1) Refusing to infringe on conduct that is protected by subsection (b) of this  
13 section, the First Amendment of the United States Constitution, or Section 14  
14 of Article I of the North Carolina Constitution.

15 (2) Acting to protect a student journalist engaged in permissible conduct under  
16 subdivision (1) of subsection (b) of this section, the First Amendment of the  
17 United States Constitution, or Section 14 of Article I of the North Carolina  
18 Constitution.

19 (d) Policy. – Each constituent institution of The University of North Carolina shall adopt  
20 a written policy for the exercise of the right of student journalists to freedom of speech and the  
21 press in university-sponsored media in accordance with this section that shall include at least the  
22 following:

23 (1) Reasonable provisions for the time, place, and manner of distribution of  
24 student expression.

25 (2) A provision allowing for the timely appeal within the constituent institution  
26 of decisions made pursuant to this section.

27 (e) Court Action. – No expression made by students in the exercise of free speech or free  
28 press rights shall be deemed to be an expression of university policy, and no administrative  
29 officials of a constituent institution or constituent institution shall be held responsible in any civil  
30 or criminal action for any expression made or published by students. Any student, individually  
31 or through a parent or guardian, or student media adviser may institute proceedings for injunctive  
32 or declaratory relief in any court of competent jurisdiction to enforce the rights provided in this  
33 section. Nothing in this section shall be construed to create any private action on behalf of a  
34 student other than to seek injunctive relief allowing the publication of the speech in question. A  
35 court may award reasonable attorney fees to a plaintiff that substantially prevails."

36 **SECTION 2.(b)** Article 7 of Chapter 115D of the General Statutes is amended by  
37 adding a new section to read:

38 **"§ 115D-82. Student Journalist Press Freedom Restoration Act.**

39 (a) Definitions. – The following definitions apply in this section:

40 (1) College-sponsored media. – Any material that is prepared, substantially  
41 written, published, or broadcast, in any media, by a student journalist at a  
42 community college under the direction of a student media adviser and  
43 distributed or generally made available to members of the student body.  
44 College-sponsored media does not include media intended for distribution or  
45 transmission for classroom purposes only.

46 (2) Student journalist. – A student enrolled at a community college who gathers,  
47 compiles, writes, edits, photographs, records, or prepares information for  
48 inclusion in college-sponsored media.

49 (3) Student media adviser. – An individual employed, appointed, or designated  
50 by a community college to supervise or provide instruction relating to  
51 college-sponsored media.

- 1        (b) Freedom of Expression. – A student journalist has a right to exercise freedom of  
2 speech and of the press in college-sponsored media as follows:
- 3            (1) This right exists regardless of whether the media is supported financially by  
4 the community college, uses the facilities of the community college, or is  
5 produced in conjunction with a course or class in which the student is enrolled.  
6 A student journalist is responsible for determining the news, opinion, feature,  
7 and advertising content of college-sponsored media. Student media advisers  
8 may teach professional standards of English and journalism to student  
9 journalists, consistent with this subsection.
- 10          (2) Subdivision (1) of this subsection does not authorize or protect expression by  
11 a student journalist that is any of the following:
- 12            a. Libelous or slanderous.  
13            b. Constitutes an unwarranted invasion of privacy.  
14            c. Obscene.  
15            d. In violation of federal or State law.  
16            e. Inciteful to students as to create a clear and present danger of the  
17 commission of an unlawful act or the violation of a lawful community  
18 college policy.
- 19          (3) There shall be no prior restraint of material prepared for official community  
20 college publications except insofar as the material violates the standards of  
21 subdivision (2) of this subsection. Community college officials shall have the  
22 burden of showing prior justification for their limitation of student journalist  
23 expression under this section and affording students a timely opportunity for  
24 appeal.
- 25          (4) Nothing in this subsection shall be construed as authorizing the publication of  
26 an advertisement in college-sponsored media that promotes the purchase of a  
27 product or service that is unlawful for purchase or use by minors.
- 28        (c) Individual Protection. – A student journalist may not be disciplined for acting in  
29 accordance with subdivision (1) of subsection (b) of this section. A student media adviser may  
30 not be dismissed, suspended, disciplined, reassigned, transferred, or otherwise retaliated against  
31 for any of the following:
- 32            (1) Refusing to infringe on conduct that is protected by subsection (b) of this  
33 section, the First Amendment of the United States Constitution, or Section 14  
34 of Article I of the North Carolina Constitution.
- 35            (2) Acting to protect a student journalist engaged in permissible conduct under  
36 subdivision (1) of subsection (b) of this section, the First Amendment of the  
37 United States Constitution, or Section 14 of Article I of the North Carolina  
38 Constitution.
- 39        (d) Policy. – Each community college shall adopt a written policy for the exercise of the  
40 right of student journalists to freedom of speech and the press in college-sponsored media in  
41 accordance with this section that shall include at least the following:
- 42            (1) Reasonable provisions for the time, place, and manner of distribution of  
43 student expression.
- 44            (2) A provision allowing for the timely appeal within the constituent institution  
45 of decisions made pursuant to this section.
- 46        (e) Court Action. – No expression made by students in the exercise of free speech or free  
47 press rights shall be deemed to be an expression of community college policy, and no  
48 administrative officials of a community college or community college shall be held responsible  
49 in any civil or criminal action for any expression made or published by students. Any student,  
50 individually or through a parent or guardian, or student media adviser may institute proceedings  
51 for injunctive or declaratory relief in any court of competent jurisdiction to enforce the rights

1 provided in this section. Nothing in this section shall be construed to create any private action on  
2 behalf of a student other than to seek injunctive relief allowing the publication of the speech in  
3 question. A court may award reasonable attorney fees to a plaintiff that substantially prevails."  
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5 **PART III. EFFECTIVE DATE**

6 **SECTION 3.** This act is effective when it becomes law.