

PROPOSED AMENDMENT

HB 1130 # 10

DIGEST

Student journalists. Amends the definition of "school sponsored media". Provides that "student journalist" means a student enrolled in grades 9 through 12 (instead of grades 5 through 12). Removes advertising content from the list of materials that a student journalist is responsible for determining. Requires a student media adviser to teach professional standards of English and journalism to student journalists. Amends the list regarding content that is not authorized or protected under the student journalist provisions. Provides that, in the case of a dispute between a school administrator and a student journalist, the student journalist may appeal to the state board of education. Provides that a public school, school corporation, or state educational institution is immune from civil liability for an injury resulting from school sponsored media except for acts or omissions that constitute gross negligence or willful, wanton, or intentional misconduct. Removes language providing that school sponsored media produced at a state educational institution is a public forum for expression by the student journalist. Makes technical corrections and fixes a conflict.

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- 1 Page 1, line 1, delete "IC 20-33-12" and insert "IC 20-33-12.2".
 - 2 Page 1, line 4, delete "12." and insert "12.2".
 - 3 Page 1, between lines 4 and 5, begin a new paragraph and insert:
 - 4 **"Sec. 1. As used in this chapter, "public school" includes a**
 - 5 **charter school."**
 - 6 Page 1, line 5, delete "1." and insert "2."
 - 7 Page 1, line 8, delete "or" and insert "**and**".
 - 8 Page 1, line 13, delete "2." and insert "3."
 - 9 Page 1, line 14, delete "grade 5 through grade" and insert "**grades**
 - 10 **9 through"**.
 - 11 Page 1, line 17, delete "3." and insert "4."
 - 12 Page 2, line 4, delete "4." and insert "5."
 - 13 Page 2, line 4, delete "6" and insert "8".
 - 14 Page 2, line 13, delete "5. (a)" and insert "6."
 - 15 Page 2, line 13, after "section" delete "6" and insert "8".
 - 16 Page 2, line 14, after "opinions," insert "**and**".
 - 17 Page 2, line 15, delete ", and advertising content".
 - 18 Page 2, delete lines 16 through 18, begin a new paragraph and
 - 19 insert:
 - 20 **"Sec. 7. A student media adviser shall teach professional**

- 1 standards of English and journalism to student journalists."
- 2 Page 2, line 19, delete "6." and insert "8."
- 3 Page 2, delete line 23, begin a new line block indented and insert:
- 4 **"(2) is lewd, vulgar, or profane;**
- 5 **(3) violates community standards;**
- 6 **(4) violates federal or state law; or"**.
- 7 Page 2, line 24, delete "(3)" and insert "(5)".
- 8 Page 2, line 29, delete "; or" and insert ".".
- 9 Page 2, delete line 30.
- 10 Page 2, line 31, delete "7." and insert "9."
- 11 Page 2, line 34, delete "8." and insert "10. (a)".
- 12 Page 2, line 35, after "the" insert "public school or".
- 13 Page 2, line 38, after "federal" insert "or".
- 14 Page 3, line 3, delete "gratuitously".
- 15 Page 3, between lines 3 and 4, begin a new paragraph and insert:
- 16 **"(b) In the case of a dispute between the school administrator**
- 17 **and a student journalist as to whether the content of school**
- 18 **sponsored media may be suppressed under this section, the student**
- 19 **journalist may appeal the school administrator's decision to**
- 20 **suppress the content to the state board. The state board shall make**
- 21 **the final decision regarding whether the content will be**
- 22 **suppressed."**
- 23 Page 3, line 4, delete "9." and insert "11."
- 24 Page 3, line 20, delete "10." and insert "12."
- 25 Page 3, line 20, after "corporation" insert "and charter school".
- 26 Page 3, line 22, delete "11." and insert "13."
- 27 Page 3, line 25, delete "12. A" and insert "14. (a) Except as
- 28 **provided in subsection (b), a"**.
- 29 Page 3, line 25, delete "does not incur any" and insert "is immune
- 30 **from civil liability for any injury resulting from"**.
- 31 Page 3, line 26, delete "liability for".
- 32 Page 3, between lines 27 and 28, begin a new paragraph and insert:
- 33 **"(b) The civil immunity described in subsection (a) does not**
- 34 **apply to an act or omission that constitutes gross negligence or**
- 35 **willful, wanton, or intentional misconduct."**
- 36 Page 4, line 27, after "federal" insert "or".
- 37 Page 5, delete lines 17 through 20.
- 38 Page 5, line 21, delete "12. A" and insert "11. (a) Except as
- 39 **provided in subsection (b), a"**.

1 Page 5, line 21, delete "does not incur any" and insert "**is immune**
2 **from civil liability for any injury resulting from**".

3 Page 5, line 22, delete "liability for".

4 Page 5, between lines 23 and 24, begin a new paragraph and insert:

5 "**(b) The civil immunity described in subsection (a) does not**
6 **apply to an act or omission that constitutes gross negligence or**
7 **willful, wanton, or intentional misconduct.**".

8 Page 5, line 26, delete "IC 20-33-12-12" and insert
9 "**IC 20-33-12.2-14**".

10 Page 5, line 31, delete "IC 21-41-13-12" and insert
11 "**IC 21-41-13-11**".

(Reference is to HB 1130 as printed February 17, 2017.)