

STATE OF NEW YORK

68--A

2025-2026 Regular Sessions

IN SENATE

(Prefiled)

January 8, 2025

Introduced by Sens. KAVANAGH, BRISPORT, BROUK, CLEARE, COMRIE, COONEY, FERNANDEZ, GONZALEZ, HARCKHAM, JACKSON, MAY, O'MARA, RAMOS, RIVERA, SALAZAR, SEPULVEDA, STAVISKY -- read twice and ordered printed, and when printed to be committed to the Committee on Education -- recommended to the Committee on Education in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to enacting the student journalism education act

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The education law is amended by adding a new article 18 to
2 read as follows:

ARTICLE 18

STUDENT JOURNALISM EDUCATION ACT

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4
5 Section 860. Short title.

6 861. Definitions.

7 862. Student journalism education principals.

8 863. Exemptions.

9 864. Liability.

10 § 860. Short title. This article shall be known and may be cited as
11 the "student journalism education act".

12 § 861. Definitions. For the purposes of this article the following
13 terms shall have the following meanings:

14 1. "Educational institution" means a public high school.

15 2. "School-sponsored media" means any material that is prepared, writ-
16 ten, published, or broadcast by a student journalist at an educational
17 institution, distributed or generally made available to members of the
18 student body, and prepared under the direction of a student media advi-
19 sor. "School-sponsored media" shall not include media intended for

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 distribution or transmission solely in the classroom in which the media
2 is produced.

3 3. "Student journalist" means a student enrolled in an educational
4 institution who gathers, compiles, writes, edits, photographs, records,
5 or prepares information for dissemination in school-sponsored media.

6 4. "Student media advisor" means an individual employed, appointed, or
7 designated by an educational institution to supervise or provide
8 instruction relating to school-sponsored media.

9 § 862. Student journalism education principals. 1. Except as other-
10 wise provided in section eight hundred sixty-three of this article, a
11 student journalist shall have the right to exercise free speech and of
12 the press in school-sponsored media, regardless of whether the media is
13 supported financially by the educational institution or by use of the
14 facilities of an educational institution or produced in conjunction with
15 a class in which the student is enrolled.

16 2. Subject to section eight hundred sixty-three of this article, the
17 appropriate student journalist shall be responsible for determining the
18 news, opinion, and feature content of school-sponsored media.

19 3. Nothing in this section shall preclude a student media advisor from
20 teaching professional standards of English and journalism to student
21 journalists or from grading the performance of a student in accordance
22 with such standards.

23 4. There shall be no prior restraint of material prepared for official
24 publications of an educational institution except for the material
25 described in section eight hundred sixty-three of this article.

26 5. When a school official determines that the restraint of student
27 expression is necessary, the school official shall, without undue delay,
28 identify the provisions of section eight hundred sixty-three of this
29 article under which the limitation of such student expression is appro-
30 priate.

31 6. No student media advisor or employee shall be dismissed, suspended,
32 disciplined, reassigned, transferred, or otherwise retaliated against
33 solely for acting to protect a pupil engaged in the conduct authorized
34 under this article; and further no student media advisor or employee
35 shall be dismissed, suspended, disciplined, reassigned, transferred or
36 otherwise retaliated against solely for an action, undertaken in good
37 faith with this article, which results in the prohibition of the publi-
38 cation of speech pursuant to this article.

39 7. Political expression by students in school-sponsored media shall
40 not be deemed the use of public funds for political purposes.

41 § 863. Exemptions. The following forms of expression shall not be
42 protected by this article:

43 1. Expression that is libelous, slanderous, obscene or profane;

44 2. Expression that constitutes an unwarranted invasion of privacy;

45 3. Expression that violates federal or state law; or

46 4. Expression that incites students to commit an unlawful act where
47 such unlawful act would be both imminent and likely to occur, to
48 violate the policies of the educational institution, or to materially
49 and substantially disrupt the orderly operation of such educational
50 institution.

51 § 864. Liability. 1. Nothing in this article shall impose a duty on
52 educational institution administrators to review school-sponsored media
53 prior to publication.

54 2. No expression made by students in the exercise of free speech or
55 freedom of the press protected by this article shall be deemed to be an
56 expression of policy, opinion or position of the educational institu-

1 tion, nor shall any such expression be considered to be an endorsement
2 in any way by the educational institution and no educational institu-
3 tion, student media advisor, employee, parent, legal guardian or admin-
4 istrator of an educational institution shall be held liable in any civil
5 or criminal action for any expression made or published by students,
6 except in cases of willful or wanton misconduct.

7 3. Nothing in this section shall be construed to create any private
8 action on behalf of a student other than to seek injunctive relief
9 allowing the publication of the speech in question.

10 § 2. This act shall take effect immediately.