



DOUGLAS A. DUCEY  
GOVERNOR

STATE OF ARIZONA  
OFFICE OF THE GOVERNOR

EXECUTIVE OFFICE

May 22, 2017

The Honorable Michele Reagan  
Secretary of State  
1700 W. Washington, 7<sup>th</sup> Floor  
Phoenix, AZ 85007

Re: Senate Bill 1384 (school-sponsored media; student journalists)

Dear Secretary Reagan:

Today, I vetoed Senate Bill 1384.

I am a strong supporter of free speech and a free press. The First Amendment is vital to our American system of democracy, and I have a record of supporting legislation to protect these constitutional rights and opposing those that erode them.

I also believe student journalists play an important role, in part because they are the next generation of journalists who will hold our government and leaders accountable.

I worry, however, that this bill could create unintended consequences, especially on high school campuses where adult supervision and mentoring is most important.

Sincerely,

Douglas A. Ducey  
Governor  
State of Arizona

cc: The Honorable Steve Yarbrough  
The Honorable JD Mesnard  
The Honorable Kimberly Yee

House Engrossed Senate Bill

State of Arizona  
Senate  
Fifty-third Legislature  
First Regular Session  
2017

# **SENATE BILL 1384**

AN ACT

AMENDING TITLE 15, CHAPTER 1, ARTICLE 1, ARIZONA REVISED STATUTES, BY  
ADDING SECTION 15-118; RELATING TO SCHOOL-SPONSORED STUDENT ACTIVITIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 15, chapter 1, article 1, Arizona Revised  
3 Statutes, is amended by adding section 15-118, to read:

4 15-118. School-sponsored media; student journalists; written  
5 policy; immunity; definitions

6 A. EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION C OF THIS SECTION, A  
7 STUDENT JOURNALIST MAY EXERCISE FREEDOM OF SPEECH AND FREEDOM OF THE PRESS  
8 IN SCHOOL-SPONSORED MEDIA. A STUDENT JOURNALIST IS NOT LIMITED UNDER THIS  
9 SUBSECTION SOLELY BECAUSE THE SCHOOL-SPONSORED MEDIA ARE EITHER:

10 1. SUPPORTED FINANCIALLY BY THE LOCAL SCHOOL SYSTEM, THE PUBLIC  
11 SCHOOL, THE COMMUNITY COLLEGE OR THE UNIVERSITY OR BY THE USE OF  
12 FACILITIES OWNED BY THE SCHOOL DISTRICT, CHARTER SCHOOL, COMMUNITY COLLEGE  
13 OR UNIVERSITY.

14 2. PRODUCED IN CONJUNCTION WITH A CLASS IN WHICH THE STUDENT  
15 JOURNALIST IS ENROLLED.

16 B. EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION C OF THIS SECTION,  
17 STUDENT SUPERVISORS ARE RESPONSIBLE FOR DETERMINING THE CONTENT OF  
18 SCHOOL-SPONSORED MEDIA. THIS SECTION DOES NOT PREVENT A STUDENT MEDIA  
19 ADVISER FROM TEACHING PROFESSIONAL STANDARDS OF ENGLISH AND JOURNALISM TO  
20 STUDENT JOURNALISTS.

21 C. THIS SECTION DOES NOT AUTHORIZE OR PROTECT CONTENT OF  
22 SCHOOL-SPONSORED MEDIA THAT DOES ANY OF THE FOLLOWING:

23 1. IS LIBELOUS OR SLANDEROUS.

24 2. CONSTITUTES AN UNWARRANTED INVASION OF PRIVACY.

25 3. VIOLATES FEDERAL OR STATE LAW.

26 4. CREATES THE IMMINENT DANGER OF INCITING STUDENTS TO VIOLATE THE  
27 LAW OR DISTRICT REGULATIONS OR MATERIALLY AND SUBSTANTIALLY DISRUPTS THE  
28 ORDERLY OPERATION OF THE PUBLIC SCHOOL, COMMUNITY COLLEGE OR UNIVERSITY.

29 D. EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION C OF THIS SECTION,  
30 THIS SECTION DOES NOT AUTHORIZE THE PRIOR RESTRAINT OF ANY  
31 SCHOOL-SPONSORED MEDIA. A PUBLIC SCHOOL MAY RESTRAIN THE DISTRIBUTION OF  
32 CONTENT IN SCHOOL-SPONSORED MEDIA FOR ANY REASON PRESCRIBED IN SUBSECTION  
33 C OF THIS SECTION, BUT THE PUBLIC SCHOOL HAS THE BURDEN OF PROVIDING  
34 LAWFUL JUSTIFICATION WITHOUT UNDUE DELAY.

35 E. A STUDENT JOURNALIST MAY NOT BE DISCIPLINED SOLELY FOR ACTING IN  
36 ACCORDANCE WITH THIS SECTION.

37 F. A STUDENT MEDIA ADVISER MAY NOT BE DISMISSED, SUSPENDED,  
38 DISCIPLINED, REASSIGNED, TRANSFERRED OR OTHERWISE RETALIATED AGAINST  
39 SOLELY FOR EITHER:

40 1. ACTING TO PROTECT A STUDENT JOURNALIST ENGAGED IN CONDUCT THAT  
41 IS PROTECTED UNDER THIS SECTION.

42 2. REFUSING TO INFRINGE ON CONDUCT THAT IS PROTECTED BY THIS  
43 SECTION, THE UNITED STATES CONSTITUTION OR THE CONSTITUTION OF ARIZONA.

1 G. EACH SCHOOL DISTRICT GOVERNING BOARD AND EACH CHARTER SCHOOL  
2 GOVERNING BODY SHALL ADOPT, IN A REGULAR PUBLIC MEETING, A WRITTEN POLICY  
3 THAT INCLUDES WRITTEN CONTENT STANDARDS OR GUIDELINES FOR SCHOOL-SPONSORED  
4 MEDIA THAT IS CONSISTENT WITH AND NOT MORE RESTRICTIVE THAN SUBSECTION C  
5 OF THIS SECTION, EXCEPT THAT THE POLICY ADOPTED PURSUANT TO THIS  
6 SUBSECTION SHALL PROHIBIT LEWD AND OBSCENE CONTENT. THE WRITTEN POLICY  
7 SHALL INCLUDE A STUDENT JOURNALIST CODE OF ETHICS THAT INCLUDES GUIDELINES  
8 FOR COVERING CONTENT IN A RESPONSIBLE, FAIR AND ACCURATE MANNER.

9 H. ANY EXPRESSION MADE BY A STUDENT IN SCHOOL-SPONSORED MEDIA IS  
10 NOT DEEMED TO BE AN EXPRESSION BY OR ON BEHALF OF THE SCHOOL, COMMUNITY  
11 COLLEGE OR UNIVERSITY.

12 I. A SCHOOL DISTRICT, CHARTER SCHOOL, COMMUNITY COLLEGE DISTRICT OR  
13 UNIVERSITY, OR ANY OFFICIAL, EMPLOYEE OR AGENT OF A SCHOOL DISTRICT,  
14 CHARTER SCHOOL, COMMUNITY COLLEGE DISTRICT OR UNIVERSITY, IS NOT LIABLE IN  
15 ANY CIVIL OR CRIMINAL ACTION FOR ANY EXPRESSION MADE OR PUBLISHED BY A  
16 STUDENT IN SCHOOL-SPONSORED MEDIA.

17 J. FOR THE PURPOSES OF THIS SECTION:

18 1. "COMMUNITY COLLEGE" MEANS A COMMUNITY COLLEGE THAT IS UNDER THE  
19 JURISDICTION OF A COMMUNITY COLLEGE DISTRICT.

20 2. "SCHOOL-SPONSORED MEDIA" MEANS ANY MATERIAL THAT IS PREPARED,  
21 WRITTEN, PUBLISHED OR BROADCAST BY A STUDENT JOURNALIST AT A PUBLIC HIGH  
22 SCHOOL, A COMMUNITY COLLEGE OR A UNIVERSITY AS PART OF A SCHOOL-SUPPORTED  
23 PROGRAM OR ACTIVITY AND THAT IS DISTRIBUTED OR GENERALLY MADE AVAILABLE TO  
24 AN AUDIENCE BEYOND THE CLASSROOM IN WHICH THE MATERIAL IS PRODUCED.

25 3. "STUDENT JOURNALIST" MEANS A PUBLIC HIGH SCHOOL STUDENT, A  
26 COMMUNITY COLLEGE STUDENT OR A UNIVERSITY STUDENT WHO GATHERS, COMPILES,  
27 WRITES, EDITS, PHOTOGRAPHS, RECORDS OR PREPARES INFORMATION FOR  
28 DISSEMINATION IN SCHOOL-SPONSORED MEDIA.

29 4. "STUDENT MEDIA ADVISER" MEANS AN INDIVIDUAL WHO IS EMPLOYED,  
30 APPOINTED, OR DESIGNATED BY A PUBLIC SCHOOL, A COMMUNITY COLLEGE OR A  
31 UNIVERSITY TO SUPERVISE OR PROVIDE TO STUDENTS INSTRUCTION RELATING TO  
32 SCHOOL-SPONSORED MEDIA.

33 5. "STUDENT SUPERVISOR" MEANS A STUDENT ENROLLED IN A PUBLIC SCHOOL  
34 WHO IS RESPONSIBLE FOR EDITING SCHOOL-SPONSORED MEDIA.

35 6. "UNIVERSITY" MEANS A UNIVERSITY THAT IS UNDER THE JURISDICTION  
36 OF THE ARIZONA BOARD OF REGENTS.

Passed the House May 8, 2017,

Passed the Senate February 13, 2017,

by the following vote: 41 Ayes,

by the following vote: 30 Ayes,

19 Nays, 0 Not Voting

0 Nays, 0 Not Voting

[Signature]  
Speaker of the House  
*Pro Tempore*

[Signature]  
President of the Senate  
*Pro Tempore*

[Signature]  
Chief Clerk of the House

[Signature]  
Secretary of the Senate

~~EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR~~

~~This Bill was received by the Governor this~~

~~\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,~~

~~at \_\_\_\_\_ o'clock \_\_\_\_\_ M.~~

~~\_\_\_\_\_  
Secretary to the Governor~~

~~Approved this \_\_\_\_\_ day of~~

~~\_\_\_\_\_, 20\_\_\_\_,~~

~~at \_\_\_\_\_ o'clock \_\_\_\_\_ M.~~

~~\_\_\_\_\_  
Governor of Arizona~~

~~EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE~~

~~This Bill was received by the Secretary of State~~

~~this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,~~

~~at \_\_\_\_\_ o'clock \_\_\_\_\_ M.~~

~~\_\_\_\_\_  
Secretary of State~~

S.B. 1384

SENATE CONCURS IN HOUSE  
AMENDMENTS AND FINAL PASSAGE

Passed the Senate May 9, 2017

by the following vote: 29 Ayes,

0 Nays, 1 Not Voting

  
\_\_\_\_\_  
President of the Senate

  
\_\_\_\_\_  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill received by the Governor this

10<sup>th</sup> day of May, 2017

at 6:20 o'clock P. M.

  
\_\_\_\_\_  
Secretary to the Governor

Approved this 22<sup>nd</sup> day of

May 2017

at 2:40 o'clock P. M.

**VETO**

\_\_\_\_\_  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

S.B. 1384

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State