
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2102 Session of
2021

INTRODUCED BY SHUSTERMAN, KINSEY, HILL-EVANS, T. DAVIS AND
D. WILLIAMS, NOVEMBER 23, 2021

REFERRED TO COMMITTEE ON EDUCATION, NOVEMBER 23, 2021

AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An
2 act relating to the public school system, including certain
3 provisions applicable as well to private and parochial
4 schools; amending, revising, consolidating and changing the
5 laws relating thereto," providing for free school media.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. The act of March 10, 1949 (P.L.30, No.14), known
9 as the Public School Code of 1949, is amended by adding an
10 article to read:

11 ARTICLE XV-K

12 FREE SCHOOL MEDIA

13 Section 1501-K. Short title of article.

14 This article shall be known and may be cited as the Free
15 School Media Act.

16 Section 1502-K. Definitions.

17 The following words and phrases when used in this article
18 shall have the meanings given to them in this section unless the
19 context clearly indicates otherwise:

1 "School entity." A school district, charter school, cyber
2 charter school, private school, nonpublic school, intermediate
3 unit or area vocational-technical school operating within this
4 Commonwealth.

5 "School official." A superintendent, principal or the
6 designee of the superintendent or principal.

7 "School-sponsored media." Any material that is prepared,
8 substantially written, published or broadcast by a student
9 journalist at a school entity.

10 "School-sponsored media program." A journalism program or
11 class offered by a school entity that produces school-sponsored
12 media.

13 "Student editor." A student journalist appointed by the
14 student-media advisor.

15 "Student journalist." A student who gathers, compiles,
16 writes, edits, photographs, records, illustrates or prepares
17 information for dissemination in school-sponsored media.

18 "Student-media advisor." An individual who meets all of the
19 following criteria:

20 (1) The individual is employed, appointed or designated
21 by a school entity to supervise or provide instruction
22 relating to school-sponsored media.

23 (2) The individual is not a student currently enrolled
24 at the school entity.

25 Section 1503-K. Free speech rights for student journalists.

26 (a) Policies.--Beginning with the 2022-2023 school year, a
27 school entity that has a school-sponsored media program on or
28 after the effective date of this section shall adopt policies or
29 amend the school entity's existing policies for the purpose of
30 complying with this article. The policies shall include the

1 rights and responsibilities of student editors, student
2 journalists and student-media advisors in accordance with this
3 article and 22 Pa. Code § 12.9 (relating to freedom of
4 expression).

5 (b) Unauthorized expression.--In accordance with the
6 regulations promulgated by 22 Pa. Code § 12.9, a form of student
7 expression shall not be authorized or protected by a school
8 entity's policies if the form of student expression is found to
9 be any of the following:

10 (1) Libelous, slanderous or obscene.

11 (2) An unwarranted invasion of privacy.

12 (3) Violating Federal or State law.

13 (4) Inciting students to commit an unlawful act or
14 violate the school entity's policies.

15 (5) Materially and substantially disrupting the orderly
16 operation of the school entity.

17 Section 1504-K. Limitations on school officials and school
18 entities.

19 (a) Publications and broadcasts.--A school official shall be
20 prohibited from any of the following:

21 (1) Participating in the approval of school-sponsored
22 media before the publication or broadcast of the school-
23 sponsored media in accordance with this article. The approval
24 for a publication or broadcast of school-sponsored media
25 shall be granted solely by a student editor under section
26 1505-K(c).

27 (2) Serving as a member of the school-sponsored media
28 program.

29 (b) Media facilities.--A school entity may not limit access
30 of a student journalist to the school entity's student media

1 facilities if the student journalist's use of the media
2 facilities will not result in an unauthorized and unprotected
3 form of student expression as specified under section 1503-K(b).
4 Section 1505-K. School-sponsored media program.

5 (a) Content selection.--Subject to the limitations of a
6 school entity's policies, a student editor shall approve, reject
7 or exclude all content of school-sponsored media publications
8 and broadcasts and oversee the operation of the school-sponsored
9 media program.

10 (b) Student-media advisors.--A student-media advisor shall
11 act solely as an educator and consultant for student journalists
12 during the school-sponsored media publication and broadcast
13 process.

14 (c) Approval process.--School-sponsored media shall be
15 submitted to the student editor for approval before the school-
16 sponsored media is published or broadcast. The student editor
17 shall determine if the school-sponsored media violates the
18 school entity's policies. If the student editor determines that
19 the school-sponsored media violates the school entity's
20 policies, the school-sponsored media may not be published or
21 broadcast. The student editor may exclude school-sponsored media
22 from publication or broadcast on the basis of limited available
23 space or time within the publication or broadcast.

24 (d) Rejection or exclusion.--A student editor shall provide
25 a written explanation for the rejection or exclusion of school-
26 sponsored media prepared by a student journalist for a
27 publication or broadcast.

28 (e) Media law training.--Beginning with the 2022-2023 school
29 year and each school year thereafter, student journalists, in
30 conjunction with the student-media advisor, may conduct a lesson

1 in media law for student journalists before the student
2 journalists participate in the school-sponsored media program.
3 The lesson shall notify the student journalists of their rights
4 as journalists under this article and demonstrate examples of
5 school-sponsored media that violate the school entity's
6 policies. Nothing in this subsection may be construed to create
7 additional expenses for a school entity to conduct the lesson.

8 (f) Official statements.--School-sponsored media shall be
9 considered a form of student expression. School-sponsored media
10 may not be considered an official statement from the school
11 entity.

12 (g) Construction.--Nothing in this section may be construed
13 to prevent a student editor from exercising action to cease the
14 publication or broadcast of school-sponsored media that is an
15 unauthorized and unprotected form of student expression as
16 specified under section 1503-K(b).

17 Section 1506-K. Protections for student-media advisors.

18 A student-media advisor may not, under any circumstances, be
19 dismissed, suspended, disciplined, reassigned or transferred by
20 a school official for any of the following actions:

21 (1) Taking reasonable and appropriate action to protect
22 a student journalist engaging in conduct established under
23 the school entity's policies.

24 (2) Refusing to infringe on the conduct by a student
25 journalist that is protected by the school entity's policies,
26 the First Amendment of the Constitution of the United States
27 or section 7 of Article I of the Constitution of
28 Pennsylvania.

29 Section 2. All regulations and parts of regulations are
30 abrogated insofar as they are inconsistent with the addition of

1 Article XV-K of the act.

2 Section 3. This act shall take effect in 60 days.