

Student Journalist Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Carol S. Moss

Senate Sponsor:

LONG TITLE

General Description:

This bill establishes standards for student expression in school-sponsored media and limits school liability for student-produced content.

Highlighted Provisions:

This bill:

- establishes standards for student expression in school-sponsored media;
- specifies limitations on student expression and requirements for prior restraint;
- provides employment protections for student media advisers;
- requires school boards to adopt policies on school-sponsored media;
- limits school liability for student-produced content; and
- makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53G-10-203, as last amended by Laws of Utah 2023, Chapter 412

ENACTS:

53G-10-208, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **53G-10-203** is amended to read:

**53G-10-203 . Expressions of belief -- Discretionary time -- School-sponsored
a.**

(1) As used in this section:

(a) "Discretionary time" means noninstructional time during which a student is free to

31 pursue personal interests.

32 (b)(i) "School-sponsored media" means any material that is prepared, substantially
33 written, published, or broadcast, in any media, by a student journalist at a school
34 under the direction of a student media adviser and distributed or generally made
35 available to members of the student body.

36 (ii) "School-sponsored media" does not include media intended for distribution or
37 transmission for classroom purposes only.

38 (c) "Student journalist" means a student at a school within an LEA who gathers,
39 compiles, writes, edits, photographs, records, or prepares information for inclusion in
40 school-sponsored media.

41 (d) "Student media adviser" means an individual employed, appointed, or designated by
42 an LEA or school administrator to supervise or provide instruction relating to
43 school-sponsored media.

44 [({1}) (2) Expression of personal beliefs by a student participating in school-directed
45 curricula or activities may not be prohibited or penalized unless the expression
46 unreasonably interferes with order or discipline, threatens the well-being of persons or
47 property, or violates concepts of civility or propriety appropriate to a school setting.

48 [({2}) (3)[(a) As used in this section, "discretionary time" means noninstructional time
49 during which a student is free to pursue personal interests.]

50 [({b})] Free exercise of voluntary religious practice or freedom of speech by students
51 during discretionary time shall not be denied unless the conduct unreasonably
52 interferes with the ability of school officials to maintain order and discipline,
53 unreasonably endangers persons or property, or violates concepts of civility or
54 propriety appropriate to a school setting.

55 [({3}) (4) Any limitation under this section on student expression, practice, or conduct shall
56 be by the least restrictive means necessary to satisfy the school's interests, or to satisfy
57 another specifically identified compelling governmental interest.

58 (5) Except as provided in Subsection (6), a student journalist has the right to exercise
59 freedom of speech and of the press in school-sponsored media, whether or not the media
60 is supported financially by the school, uses the facilities of the school, or is produced in
61 conjunction with a course or class in which the student is enrolled.

62 (6)(a) Subject to Subsection (7), a student journalist is responsible for determining the
63 news, opinion, feature, and advertising content of school-sponsored media.

64 (b) A student media adviser may teach professional standards of English and journalism

65 to student journalists, consistent with this section.

66 (7) This section does not authorize or protect expression by a student that:

67 (a) is libelous or slanderous;

68 (b) constitutes an unwarranted invasion of privacy;

69 (c) is obscene as that term is defined in Section 32B-1-504;

70 (d) violates federal or state law; or

71 (e) incites the creation of a clear and present danger of:

72 (i) the commission of an unlawful act;

73 (ii) the violation of a lawful school policy; or

74 (iii) the material and substantial disruption of the orderly operation of the school.

75 (8) An LEA or school administrator shall base a forecast of material and substantial

76 disruption under Subsection (7)(e)(iii) on specific facts, including past experience in the

77 school and current events influencing student behavior, and not on undifferentiated fear

78 or apprehension.

79 (9)(a) An LEA or school may not create or enact a prior restraint of material prepared

80 for school-sponsored media except when the material violates Subsection (7).

81 (b) An LEA or school official shall:

82 (i) have the burden of showing justification for any limitation of student journalist

83 expression under this section; and

84 (ii) afford a student a timely opportunity for appeal of any decision to restrain

85 publication.

86 (10) This section does not authorize the publication of advertising in school-sponsored

87 media that promotes a product or service that is unlawful for purchase or use by minors.

88 (11) A student journalist may not be disciplined for acting in accordance with Subsection (5).

89 (12) A student media adviser may not be dismissed, suspended, disciplined, reassigned,

90 transferred, subject to termination or nonrenewal of a teaching contract, or otherwise

91 retaliated against for:

92 (a) refusing to infringe upon conduct that is protected by this section or the First

93 Amendment to the United States Constitution; or

94 (b) acting to protect a student journalist engaged in conduct authorized under Subsection

95 (5) or the First Amendment to the United States Constitution.

96 Section 2. Section **53G-10-208** is enacted to read:

97 **53G-10-208 . School-sponsored media policies and liability.**

98 (1) An LEA governing board shall adopt a written policy for the exercise of a student

99 journalist's rights to freedom of speech and of the press in school-sponsored media that:

100 (a) is in accordance with Section 53G-10-203;

101 (b) contains reasonable provisions for the time, place, and manner of student expression
in school-sponsored media; and

102 (c) provides a provision allowing for timely appeal within the LEA of decisions made
under Section 53G-10-203.

103 (2) An LEA governing board shall make the policy described in Subsection (1) available to
students and parents.

104 (3) Expression made by students in the exercise of free speech or free press rights in
school-sponsored media shall not be deemed to be an expression of school policy.

105 (4) A school, LEA, school employee, or LEA official is not liable in any civil or criminal
action for any expression made or published by students in school-sponsored media,
unless:

106 (a) the school, LEA, school employee, or LEA official interfered with or altered the
content of the student speech or expression; and

107 (b) liability is limited to the extent of the interference or alteration.

108 (5) A student, individually or through a parent, or a student media adviser may institute
proceedings for injunctive relief in any court of competent jurisdiction to enforce the
rights provided in Section 53G-10-203.

109 (6) A court may award reasonable attorney fees to a prevailing plaintiff under Subsection (5).

110 **Section 3. Effective Date.**

111 This bill takes effect on May 6, 2026.