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HOUSE BILL 3130

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State of Washington                      58th Legislature                      2004 Regular Session

By Representative Dunshee

Read first time 01/28/2004. Referred to Committee on Education.

1            AN ACT Relating to student speech and expression in the public  
2 schools; and adding a new section to chapter 28A.320 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4            NEW SECTION.    **Sec. 1.** A new section is added to chapter 28A.320  
5 RCW to read as follows:

6            (1) By December 31, 2004, within existing resources, each school  
7 district board of directors must adopt or amend as necessary a written  
8 policy making reasonable provisions for students to exercise freedom  
9 of speech and expression, and freedom of the press on school grounds.  
10 The policy shall describe the rights and responsibilities of students  
11 regarding:

- 12            (a) The use of school bulletin boards;
- 13            (b) The distribution of printed material or petitions;
- 14            (c) Self-expression in official school publications, and other  
15 publications;
- 16            (d) The wearing of badges, buttons, and other insignia; and
- 17            (e) The use of other school facilities for self-expression.

18            (2) The policy required under subsection (1) of this section must  
19 include the following provisions:

1 (a) Speech and expression shall be prohibited only if it:  
2 (i) Is obscene, libelous, or slanderous;  
3 (ii) Incites students and creates a clear and present danger of  
4 committing unlawful acts on school premises or violating school  
5 regulations; or  
6 (iii) Creates a substantial disruption to the orderly operation of  
7 the school;  
8 (b) Student editors of official school publications are responsible  
9 for assigning and editing the news, features, and editorial content of  
10 their publications, subject to the limitations of this section; and  
11 (c) Faculty advisers must supervise the student production staff of  
12 official school publications, maintain professional standards of  
13 journalism, and ensure that the provisions of the school policy are not  
14 violated.  
15 (3) School officials may not exercise prior restraint of material  
16 prepared for official school publications unless the speech or  
17 expression is prohibited under subsection (2)(a) of this section.  
18 School officials have the burden of showing justification without undue  
19 delay before any limitation of student expression.  
20 (4) For purposes of this section, "official school publication"  
21 means materials produced by students in journalism, newspaper,  
22 yearbook, or writing classes and distributed to the student body either  
23 free or for a fee.  
24 (5) Nothing in this section prohibits or prevents a school district  
25 board of directors from adopting otherwise valid rules regarding oral  
26 communication by students upon school premises.

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