

BILL: Senate Bill 764
TITLE: Education – Student Journalists – Freedom of Speech and Freedom of the Press
POSITION: OPPOSE
HEARING: March 29, 2016
COMMITTEE: Appropriations Committee
CONTACT: John R. Woolums, Esq.

On March 29, 2016, the Maryland Association of Boards of Education (MABE) testified in opposition to Senate Bill 764, which would provide very broad discretion to student journalists with very limited restraints available to school administrators and educators. MABE articulated that its opposition pertains to only half of the bill; and that MABE has no objection to the provisions of the bill which apply to higher education.

Again, MABE opposes removing local school system control over school-sponsored publications and adopting new employment protections for staff advising student journalists in the elementary, middle and high school settings. Therefore, MABE's testimony requested amendments to strike beginning with line 1 on page 2 through line 19 on page 4, in order that the bill would apply only to institutions of higher education.

During the bill hearing, questions arose as to other amendments to cure specific defects identified by MABE in the provisions of the bill applying to elementary and secondary schools. The following amendments respond to those questions, and would in MABE's opinion preserve the bill's intent while making the bill far more workable in the public school setting.

On page 2, in lines 5, 12, 13, 18, 19, 21, 24, and in 35 instances throughout the bill, replace "MEDIA" with "JOURNALISM".

- This amendment is consistent with the activities governed by the bill, and will avoid undue confusion with the many other forms of media produced, and supervised, in the school setting.

On page 3, after line 11, insert "(2) IS VULGAR, OBSCENE, PROFANE, HARASSING, THREATENING, OR INTIMIDATING"; and on page 4, in line 19, before "PROFANE" insert "VULGAR, OBSCENE".

- These amendments are consistent with school policies and case law regarding the appropriate role of school officials to prohibit such content in school sponsored publications.

On page 3, in line 5, strike "ADVERTISING" and replace with "OTHER JOURNALISTIC".

- This amendment is requested to provide school officials with control over advertising in school sponsored publications.

On page 4, strike lines 1 through 9.

- This amendment is consistent with the statewide and school system-wide laws and regulations governing school employee conduct, and misconduct, and the disciplinary actions and due process rights pertaining to all certificated and non-certificated school employees.

MABE appreciates the committee's consideration of these amendments as this bill is deliberated.