

HOUSE BILL NO. 4849

September 09, 2025, Introduced by Rep. Maddock and referred to Committee on Education and Workforce.

A bill to protect freedom of expression for student journalists in public high schools and state institutions of higher education; to protect freedom of expression for students of public schools and state institutions of higher education; to prescribe the powers and duties of certain state and local governmental officers and entities; and to provide remedies.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act may be cited as the "student free press act".

1 Sec. 2. As used in this act:

2 (a) "Public high school" means a public school that operates
3 at least 1 of grades 9 to 12.

4 (b) "Public school" means that term as defined in section 5 of
5 the revised school code, 1976 PA 451, MCL 380.5.

6 (c) "School-sponsored media" means any material that is
7 prepared, substantially written, published, or broadcast by a
8 student journalist at a public high school or state institution of
9 higher education, is distributed or generally made available to
10 members of the student body, and is prepared under the direction of
11 a student media advisor. The term does not include any material
12 intended for distribution or transmission solely in the classroom
13 in which the material is produced.

14 (d) "State institution of higher education" means a public
15 community or junior college established under section 7 of article
16 VIII of the state constitution of 1963 or part 25 of the revised
17 school code, 1976 PA 451, MCL 380.1601 to 380.1607, or a state
18 university described in section 4, 5, or 6 of article VIII of the
19 state constitution of 1963.

20 (e) "Student journalist" means a student of a public high
21 school or state institution of higher education who gathers,
22 compiles, writes, edits, photographs, records, or prepares
23 information for dissemination in school-sponsored media.

24 (f) "Student media advisor" means an individual employed,
25 appointed, or designated by a public high school or state
26 institution of higher education to supervise or provide instruction
27 relating to school-sponsored media.

28 Sec. 3. All of the following apply to school-sponsored media:

29 (a) That media is to be considered a traditional public forum

1 for expression by the student journalists, and any regulation of
2 that expression by any agent, employee, or official of the public
3 high school or state institution of higher education, or any other
4 state or local actor, is valid only if the regulation is narrowly
5 tailored to serve a compelling state interest and does not
6 discriminate against any student journalist based on the student
7 journalist's views.

8 (b) A student journalist's right to free expression described
9 in subdivision (a) applies regardless of whether the media is
10 supported financially by the public high school or state
11 institution of higher education, is produced using facilities of
12 the public high school or state institution of higher education, or
13 is produced in conjunction with a class in which the student
14 journalist is enrolled.

15 (c) The provisions of subdivisions (a) and (b) do not prohibit
16 a student media advisor from teaching professional standards of
17 English and journalism to student journalists or prohibit public
18 high schools, state institutions of higher education, or student
19 media advisors from regulating the number, length, frequency, and
20 format of the media.

21 Sec. 4. A student media advisor must not be dismissed,
22 suspended, disciplined, reassigned, transferred, or otherwise
23 retaliated against solely for either of the following reasons:

24 (a) Acting reasonably to protect the exercise of the rights of
25 a student journalist described in section 3.

26 (b) Refusing to act in a manner that would infringe on the
27 exercise of the rights of a student journalist described in section
28 3.

29 Sec. 5. Publication or other expression of ideas by a student

1 journalist in the exercise of rights under section 3 is not
2 attributable to the public high school or state institution of
3 higher education as an expression of the policy of the public high
4 school or state institution of higher education, and all of the
5 following are immune to any civil liability or criminal
6 responsibility for any publication or other expression of ideas by
7 a student journalist exercising rights protected under section 3:

8 (a) The public high school or state institution of higher
9 education that sponsored the media in which the student journalist
10 exercised the student journalist's rights under section 3.

11 (b) Any board, district, or other governing body or entity of
12 the public high school or state institution of higher education
13 described in subdivision (a).

14 (c) Any agent, employee, official, or member of the public
15 high school or state institution of higher education described in
16 subdivision (a), or of the board, district, or other governing body
17 or entity described in subdivision (b).

18 Sec. 6. (1) Subject to a regulation described in subsection
19 (2), a student enrolled in a public school or state institution of
20 higher education has a fundamental right to the freedom of speech
21 or expression that includes, but is not limited to, the right to do
22 all of the following while present on the public school's or state
23 institution of higher education's property:

24 (a) Speak, write, or publish freely, including while the
25 student is at a forum sponsored by the public school or state
26 institution.

27 (b) Distribute literature in common areas and common walkways
28 of the public school or state institution of higher education.

29 (c) Wear symbols or attire that express a political,

1 religious, or philosophical viewpoint.

2 (d) Organize peaceful demonstrations.

3 (e) Access school media, digital or otherwise, without prior
4 restraint.

5 (2) Except for speech regulated under subsection (3), any
6 regulation of a student's right under subsection (1) by any agent,
7 employee, or official of the public school or state institution of
8 higher education, or any other state or local actor, is valid only
9 if the regulation meets strict scrutiny and is the least
10 restrictive means of achieving a compelling state interest.

11 (3) Notwithstanding subsection (2), a public school or state
12 institution of higher education may impose content-neutral, time,
13 place, and manner restrictions that satisfy intermediate scrutiny,
14 or restrict speech that incites imminent lawless action or causes a
15 substantial disruption to the educational environment in a specific
16 classroom, and may not use overbroad definitions for a classroom,
17 as defined under applicable First Amendment of the Constitution of
18 the United States jurisprudence.

19 Sec. 7. (1) A student or student organization that alleges a
20 violation of this act may bring a civil action for injunctive
21 relief, declaratory relief, and actual damages.

22 (2) A prevailing plaintiff is entitled to reasonable attorney
23 fees and costs.

24 Enacting section 1. This act takes effect 90 days after the
25 date it is enacted into law.