
Wisconsin Legislative Council

AMENDMENT MEMO



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2023 Assembly Bill 551

**Assembly
Amendment 1**

2023 ASSEMBLY BILL 551

2023 Assembly Bill 551 prohibits officials at University of Wisconsin System (UWS) institutions, Wisconsin Technical College System (WTCS) institutions, and public and charter schools (collectively, schools) from exercising prior restraint over institution-, district board-, or school-sponsored media (collectively, school-sponsored media). The bill defines school-sponsored media as any material that is prepared, substantially written, published, or broadcast in any media, by a student journalist at a school, under the direction of a media adviser, and distributed or generally made available to students enrolled in the school. School-sponsored media does not include material intended solely for use in a course offered at the school.

The bill provides that certain types of expression are not protected or authorized by the bill. Specifically, the following are not authorized or protected by the bill:

- Expression that is libelous or slanderous.
- Expression that constitutes an unwarranted invasion of privacy.
- Expression that is obscene.
- Expression that violates state or federal law.
- Expression that incites students as to create a clear and present danger of any of the following:
 - The commission of an unlawful act.
 - The violation of a lawful school policy.
 - The material and substantial disruption of the orderly operation of the institution.

Additionally, the bill establishes rights and protections for student journalists exercising their freedom of speech and press in school-sponsored media.¹ The bill also establishes rights and protections for media advisers who refuse to infringe on a student's protected expression and who protect students engaged in conduct permitted under the bill.² To enforce these rights and protections, the bill creates a cause of action whereby a student journalist or media adviser may seek injunctive and declaratory relief for violations of the provisions of the bill.

¹ Under the bill, "student journalist" means a student enrolled in a school who gathers, compiles, writes, edits, photographs, records, or prepares information relating to school-sponsored media.

² Under the bill, "media adviser" means an individual employed, appointed, or designated by a school to supervise or provide instruction related to school-sponsored media.

Finally, the bill requires the UWS Board of Regents and each WTCS district board, school board, and charter school governing body to adopt a policy that includes at least all of the following:

- Reasonable provisions for the time, place, and manner of distribution of school-sponsored media.
- A process to timely appeal decisions made under the provisions of the bill.

ASSEMBLY AMENDMENT 1

Assembly Amendment 1 to 2023 Assembly Bill 551 makes two clarifications to the provisions of the bill. First, the amendment clarifies that school-sponsored media includes school yearbooks. Second, regarding expression that is not protected or authorized by the bill, the amendment clarifies that a violation of state or federal law includes any violation of s. [948.11](#), Stats.,³ or copyright law.

The amendment also adds a sixth type of expression that is not protected by the bill. Specifically, under the amendment, expression that is rejected by a student editor or an all-student editorial board is not protected.

Finally, Assembly Amendment 1 makes modifications to the policies schools are required to adopt. Under the amendment, if a school does not impose limitations on the time, place, and manner of distribution of school-sponsored media, its policy must state that. Additionally, if a school can demonstrate that only students are involved in making editorial or publication decisions in school-sponsored media, the school's policy is not required to provide for an appeals process.

BILL HISTORY

Representatives Michalski, Joers, and Emerson offered Assembly Amendment 1 on November 1, 2023. On November 2, 2023, the Assembly Committee on Colleges and Universities recommended adoption of the amendment and passage of the bill, as amended, on votes of Ayes, 14; Noes, 0.

For a full history of the bill, visit the Legislature's [bill history page](#).

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³ s. 948.11, Stats., prohibits exposing a child to harmful material or harmful descriptions or narrations and imposes criminal penalties for doing so.