

512 SCHOOL-SPONSORED STUDENT PUBLICATIONS AND ACTIVITIES

I. PURPOSE

The purpose of this policy is to protect students' rights to free speech in production of official school publications and activities while at the same time balancing the school district's role in supervising student publications and the operation of public schools.

II. GENERAL STATEMENT OF POLICY

- A. The school district may exercise editorial control over the style and content of student expressions in school-sponsored publications and activities.
- B. Expressions and representations made by students in school-sponsored publications and activities are not expressions of official school district policy. Faculty advisors shall supervise student writers to ensure compliance with the law and school district policies.
- C. Students who believe their right to free expression has been unreasonably restricted in an official student publication or activity may seek review of the decision by the building principal. The principal shall issue a decision no later than three (3) school days after review is requested.
 1. Students producing official school publications and activities shall be under the supervision of a faculty advisor and the school principal. Official publications and activities shall be subject to the guidelines set forth below.
 2. Official school publications may be distributed at reasonable times and locations.

III. DEFINITIONS

- A. "Distribution" means the electronic or physical circulation or dissemination of material by means of handing out free copies, selling or offering copies for sale, accepting donations for copies, posting or displaying in any manner material, or placing materials in internal staff or student mailboxes.
- B. "Official school publications" means school newspapers, newsletters, literary magazines, yearbooks or material produced in classes as a part of the curriculum and other publications funded and / or sponsored or authorized by the school.
- C. "Obscene to minors" means:
 1. The average person, applying contemporary community standards, would find that the material, taken as a whole, appeals to the prurient interest of minors of the age to whom distribution is requested;
 2. The material depicts or describes, in a manner that is patently offensive to prevailing standards in the adult community concerning how such conduct should be presented to minors of the age to whom distribution is requested, sexual conduct, excretory functions, or lewd exhibition; and
 3. The material, taken as a whole, lacks serious literary, artistic, political, or scientific value for minors.

- D. “Minor” means any person under the age of eighteen (18).
- E. “Material and substantial disruption” of a normal school activity is defined as any disruption which interferes with or impedes the implementation of a compulsory or voluntary school activity.

In order for expression to be considered disruptive, there must exist specific facts upon which the likelihood of disruption can be forecast, including past experience in the school, current events influencing student activities and behavior, and instances of actual or threatened disruption relating to the written material in question.

- F. “School activities” means any activity of students sponsored by the school.
- G. “Libelous” is a false and unprivileged statement about a specific individual that tends to harm the individual’s reputation or to lower that individual in the esteem of the community.

IV. GUIDELINES

- A. Expression in an official school publication or school-sponsored activity is prohibited when the material:
 - 1. is obscene to minors;
 - 2. is libelous or slanderous;
 - 3. advertises or promotes any product or service not permitted for minors by law;
 - 4. encourages students to commit illegal acts or violate school regulations or substantially disrupts the orderly operation of school or school activities;
 - 5. expresses or advocates sexual, racial or religious harassment, violence or prejudice;
 - 6. is distributed or displayed in violation of time, place and manner regulations.
- B. Expression in an official school publication or school-sponsored activity is subject to editorial control by the school district over the style and content as long as the school district’s actions are reasonably related to legitimate pedagogical concerns. These may include, but are not limited to, efforts to assure that:
 - 1. participants learn whatever lessons the activity is designed to teach;
 - 2. readers or listeners are not exposed to material that may be inappropriate for their level of maturity;
 - 3. the views of the individual speaker are not erroneously attributed to the school;
 - 4. the school is not associated with any position other than neutrality on matters of political controversy;
 - 5. the sponsored student speech cannot reasonably be perceived to advocate conduct otherwise inconsistent with the shared values of a civilized social order;
 - 6. the school is not associated with expression that is, for example, ungrammatical, poorly written, inadequately researched, biased or prejudiced, vulgar or profane, or unsuitable for immature audiences.

V. TIME, PLACE AND MANNER OF DISTRIBUTION

- A. The time, place, and manner of distribution will be solely within the discretion of the administration, consistent with the provisions of this policy.

- B. No one shall coerce a student or staff member to accept any publication.

Policy 512 - School-Sponsored Student Publications and Activities

Adopted: 10/8/07

School Board

INDEPENDENT SCHOOL DISTRICT 659

Northfield, MN

Legal References:

U. S. Const., amend. I

Hazelwood School District v. Kuhlmeier, 484 U.S. 260 (1988)

Bystrom v. Fridley High School, I.S.D. No. 14, 822 F.2d 747 (8th Cir. 1987)

Cross References:

MSBA/MASA Model Policy 904 (Distribution of Materials on School District Property by Nonschool Persons)

Board Policy 505 (Distribution of Nonschool-Sponsored Materials on School Premises by Students and Employees)

Board Policy 506 (Student Discipline)