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Policy 512

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512 SCHOOL-SPONSORED STUDENT PUBLICATIONS AND PRODUCTIONS

I. PURPOSE

This policy provides guidelines related to school-sponsored publications and productions.

II. GENERAL STATEMENTS OF POLICY

- A. The First Amendment rights of students in public schools are to be applied in light of the special characteristics of the school environment. The school district will not allow a student to use a school-sponsored publication or production as a vehicle for speech or expression that is inconsistent with the basic educational mission of the school district.
- B. The school district will exercise editorial control over student speech and expression in school-sponsored publications and productions for reasons that are related to legitimate pedagogical concerns.
- C. No school-sponsored publication or production is to be considered a public forum. All school-sponsored publications and productions are intended to provide students with guided instructional experiences and an opportunity to build skills under the supervision of school district representatives in areas such as reporting, writing, editing, and understanding responsible journalism.

III. DEFINITIONS

- A. “Bullying” and “cyberbullying” have the same meanings as set forth in School Board Policy 514.
- B. “Distribution” means 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 materials in public areas of a building or online, placing materials in staff mailboxes, broadcasting material over the radio, television, or the internet, or communicating material through a speech or performance such as a theatrical production.
- C. A statement is “libelous” or “slanderous” when (1) it is false, (2) it is communicated to someone other than the subject of the statement, (3) tends to harm the subject’s reputation or lower the subject in the estimation of the community, and (4) is made under circumstances in which it is not entitled to a legally recognized privilege.
- D. “Minor” means any individual under the age of 18.

- E. Material is “obscene” when:
1. The average person, applying contemporary community standards, would find that the material, taken as a whole, appeals to the prurient interest;
 2. The material depicts or describes sexual conduct, such as sexual intercourse, masturbation, lewd exhibition of the genitals, or excretory functions, in a manner that is patently offensive to prevailing standards in the adult community concerning how such conduct should be presented to individuals of the age to whom distribution is requested; and
 3. The material, taken as a whole, lacks serious literary, artistic, political, or scientific value.
- F. “School-sponsored publication” means any publication, whether in print or in an electronic format, that is created as part of a class, extracurricular activity, or other school-sponsored event or activity. School-sponsored publications include school newspapers, yearbooks, school district websites and social media accounts, artistic or multimedia products, and other similar materials that bear the imprimatur of the school district or one of its schools.
- G. “School-sponsored production” means any production that is created as part of a class, extracurricular activity, or other school-sponsored event or activity. School sponsored productions include radio or television broadcasts, podcasts, public speeches, theatrical productions, or other similar productions that bear the imprimatur of the school district or one of its schools.
- H. For purposes of this policy, school-sponsored publications or productions do not include student artwork, photography, poetry, essays, or similar work product displayed within a classroom or a school building for the purpose of honoring or recognizing work completed by individual students or groups of students.

IV. REVIEW OF PUBLICATIONS AND PRODUCTIONS

- A. Subject to any required approval by the school board, the Superintendent or Superintendent’s designee will assign at least one teacher, coach, advisor, or other school district representative the responsibility to oversee each school-sponsored publication or production to ensure material contained in the publication or production complies with applicable legal standards and school district policies and procedures.
1. The building principal or principal designee, in collaboration with Activities Director when applicable, will ensure that appropriate measures are put in place to (1) verify the accuracy of any quote or other similar information that is attributed to a specific individual and contained in a school-sponsored

publication or production and (2) to ensure that, to the extent required by law or School Board Policy 515, written consent is obtained before student information is included in a school-sponsored publication or production. (See attached forms in Appendix A & B.) Form changes or adjustments will not be allowed without permission from the Superintendent or Superintendent's district-level designee.

2. The individual or individuals assigned to oversee a school-sponsored publication or production are responsible for conducting a final review of the publication or production before it is distributed, except as noted in Section IV, Paragraph B.
 3. The individual or individuals assigned to oversee a school-sponsored publication or production must notify the building principal, in writing, of any concerns as to whether material proposed for inclusion in a publication or production is inconsistent with this policy. Such notification must occur before the publication or production is distributed. The building principal or principal designee will be responsible for determining whether the proposed material complies with this policy.
 4. The building principal or principal designee, in collaboration with Activities Director when applicable, is responsible for implementing appropriate supervisory measures to ensure that all individuals who are assigned to oversee school-sponsored publications and productions carry out their responsibilities under this policy.
- B. All yearbooks and school newspapers must be reviewed and approved by an administrator before going to press and again prior to final distribution. This administrative review must not be conducted by the same individual or group of individuals who are assigned oversight responsibility pursuant to Section IV, Paragraph A.
- C. Student artwork, photography, poetry, essays, or similar work product displayed within a classroom or a school building for the purpose of honoring or recognizing work completed by individual students or groups of students shall be considered an honor or award received for purposes of applying School Board Policy 515's definition of directory data. Any student work product displayed in a classroom or school building is subject to the content guidelines set forth in this Policy.
- D. The Superintendent or her/his designee, has authority to implement additional review procedures to the extent necessary to ensure compliance with this policy.

V. GUIDELINES FOR CONTENT

- A. School-sponsored publications or productions must not contain material that:

1. is obscene;
2. is libelous or slanderous;
3. advertises or promotes any product or service that is illegal for minors;
4. encourages students to commit illegal acts, violate school district or school policies, rules, and regulations, or substantially disrupt the orderly operation of a school or school activities;
5. expresses or advocates any form of discrimination, harassment, or violence because of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, familial status, disability, sexual orientation, age, political affiliation; and
6. constitutes bullying or cyberbullying.

In order for material to be considered likely to encourage a substantial disruption to the orderly operation of a school or school activities under Paragraph (A)(4) above, there must exist specific facts upon which the likelihood of a disruption can be forecast, such as past experience in the school, current events influencing student activities and behavior, or instances of actual or threatened disruption relating to the material in question.

- B. In addition to the standards set forth in Section V, Paragraph A, content in a school sponsored publication or production is subject to the school district's editorial control over style and content for reasons related to legitimate pedagogical concerns. These may include, but are not limited to, controls necessary to:
1. assure students learn the lessons an activity is designed to teach;
 2. assure that readers or listeners are not exposed to material that is inappropriate for their level of maturity;
 3. assure that the views of an individual speaker are not erroneously attributed to the school district or any of its schools or representatives;
 4. assure that the school district or any of its schools or representatives are not associated with any position other than neutrality on matters of political controversy;
 5. assure that the school district or any of its schools or representatives are not associated with material that is ungrammatical, poorly written, inadequately researched, biased or prejudiced, vulgar or profane, discriminatory, harassing or threatening, or otherwise unsuitable for a school-aged audience;

6. assure that no school-sponsored publication or production would be reasonably perceived to advocate drug or alcohol use, abuse, sex, or conduct that is otherwise inconsistent with the shared values of a civilized social order;
7. assure that students' privacy rights are honored;
8. assure that all school district policies, rules, and procedures are followed and implemented; and
9. assure that all applicable laws are followed.

VI. APPEAL PROCEDURE

Students who believe their speech or expression has been unreasonably restricted in a school-sponsored publication or production may seek the building principal's review of whether the restriction is consistent with this policy. The student must initiate this review process by submitting a written request to the building principal. The written request must specifically identify the speech or expression that was restricted and include the student's explanation of why he or she believes the restriction is improper. The building principal must issue a decision on the student's request for review no later than five (5) days after the review is requested.

VII. TIME, PLACE, AND MANNER OF DISTRIBUTION

Upon completion of the final review required under Section IV, students shall be permitted to distribute school-sponsored publications or productions at school. The time, place, and manner of distribution will be pre-approved by the building principal or the principal's designee. No one shall induce or coerce a student or staff member to accept a school sponsored publication or production.

VIII. DISSEMINATION OF POLICY

This school district will publish this policy on its website and will include a copy in the student handbook. A copy of this policy will also be provided on an annual basis to any individual who is assigned to oversee a school-sponsored publication or production.

Legal References:

U.S. Const., amend. I

Miller v. California, 413 U.S. 15 (1973)

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

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

Morse v. Frederick, 551 U.S. 393 (2007)

Matthis v. Kennedy, 67 N.W.2d 413 (Minn. 1954) (discussing concept of "privilege" in defamation cases)

Bebo v. Delander, 632 N.W.2d 732, 739 (Minn. App. 2001) (discussing elements of a defamation claim under Minnesota law) Minn. Stat. § 363A.01 *et seq.*
Minn. Stat. § 121A.031

Cross References:

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

School Board Policy 506, Student Discipline

School Board Policy 514, Bullying Prohibition Policy

School Board Policy 515, Protection & Privacy of Student Records

School Board Policy 904, Distribution of Materials on School District Property by Nonschool Persons