

# **Policy JICEA- School-Related Student Publications (School Publications Code)**

The purpose of school-sponsored student publications is to provide students with experience in reporting, writing, editing, and understanding language and responsible journalism. Schools newspapers have the additional purpose of disseminating school-related information among the members of the school community.

The Board recognizes that school-sponsored student publications are public forums and encourages students to freely and creatively express their views subject to the limitations of this policy and state and federal law.

## **School-sponsored Student Publications**

1. Students of public schools have the right to exercise freedom of speech and of the press, and no expression contained in a student publication, whether or not such publication is school-sponsored, will be subject to prior restraint except for the types of expression described in section #3 below. This code will not prevent the advisor from encouraging expression which is consistent with high standards of English and journalism.
2. If a publication written substantially by students is made generally available throughout a public school, it will be public forum for students of the school.
3. Nothing in this code will be interpreted to authorize the publication or distribution by students of the following:
  - a. Expression which is obscene
  - b. Expression which is libelous, slanderous or defamatory under state law
  - c. Expression which is false as to any person who is not a public figure or involved in a matter of public concern
  - d. Expression which presents a clear and present danger of the commission of unlawful acts, violation of lawful school regulations, or material and substantial disruption of the orderly operation of the school or which violates the rights of others to privacy
4.
  - a. Student editors of school-sponsored student publications will be responsible for determining the news, opinion and advertising content of their publications subject to the limitations of this code.

b. It will be the responsibility of the publications advisor of school-sponsored student publications within each school to supervise the production of such publications and to teach and encourage free and responsible expression and professional standards for English and journalism.

5. If participation in a school-sponsored publication is part of a school class or activity for which grades or school credits are given, the provisions of this code may not be interpreted to interfere with the authority of the publications advisor for such school-sponsored publication to establish or limit writing assignments for the students working with the publication and to otherwise direct and control the learning experience that the publication is intended to provide.

6. No expression made by students in the exercise of freedom of speech or freedom of the press will be deemed to be an expression of school policy, and neither the school district nor any school district employee, parent, legal guardian or official of the school district will be held liable in any civil or criminal action for any expression made or published by students.

7. Nothing in this code may be construed to limit the promulgation or enforcement of lawful Board policies and school regulations designed to control gangs.

8. Articles and materials for inclusion in a high school newspaper or other student publication should be submitted in a timely fashion to the editors of the newspaper.

In instances where a matter of publication concerning issues detailed above comes before the principal for resolution, at the earliest time possible, a hearing will be conducted. At the hearing, the student(s) involved, the publications' advisor, and such other persons as the principal deems appropriate may be present. All parties involved shall have the opportunity to present their views. Thereafter, the principal shall notify all parties of the decision in writing. If the decision is that all or any part of the materials are inappropriate, the notice shall specify the standard that has been violated. The written notice of the decision made by the principal shall be provided within 24 hours from the time of the hearing.

If any of the parties disagrees with the determination of the principal or designee, they will have the right to file a written request for review with the appropriate assistant superintendent or designee within three days of the initial determination. The assistant superintendent will provide for an opportunity for the parties to present their reasons for disagreement and will make a final decision on the request for review within three days of the hearing.

### **Time, Place and Manner of Distribution**

The time, place, and manner of student distribution of publications which meet the standards set forth in previous paragraphs of this policy may be reasonably regulated by the principal or designee, provided such regulations:

1. Are uniformly applied to all forms of publication
2. Do not prohibit distribution at times or places, either inside or outside the school building, for which no factual basis exists to conclude that any interference with school activities would occur

3. Are specific as to places and times where distribution is prohibited
4. Do not inhibit any person's right to accept or reject any publications distributed in accordance with the rules

This policy shall be distributed, posted, or otherwise made available to all students and teachers at the beginning of each school year.

Adopted: February 17, 1994

Revised: April 22, 1998

LEGAL REF: C.R.S. 10-1-103(52)

C.R.S. 22-1-120

C.R.S. 22-1-121

CROSS REF: JK, Student Conduct and Discipline

### **Definitions**

The following definitions apply to the terms as used in this policy:

1. Distribute - a substantial dissemination of any written material in any form which is thus made generally available to students. This includes the posting of written materials in areas of a school that are generally frequented by students.
2. Gang - A group of three or more individuals with a common interest, bond, or activity, characterized by criminal or delinquent conduct, engaged in either collectively or individually.
3. Obscene
  - a. The average person, applying contemporary school community standards, would find that the written material, taken as a whole, appeals to prurient interest.
  - b. The material depicts or describes, in a patently offensive manner, sexual conduct such as sexual acts (normal or perverted, actual or simulated), masturbation, excretory functions, and lewd exhibition of the genitals.
  - c. The material, taken as a whole, lacks serious literary, artistic, political, or scientific value.
4. Libelous, slanderous, or defamatory - a false, unprivileged oral or written statement about a specific individual that tends to harm the individual's reputation by lowering the person in the estimation of the community or deterring others from associating or dealing with the person. Such statements include those that tend to expose an individual to public hatred, shame, contempt, ridicule, or disgrace.

5. Public figure - a person who either seeks the public's attention or is well-known because of his achievements.