

## 4.14—STUDENT MEDIA AND THE DISTRIBUTION OF LITERATURE

### Student Media

This Policy recognizes that:

1. Students may exercise their right of expression guaranteed by the First Amendment to the Constitution of the United States; and
2. Truth, fairness, accuracy, and responsibility are essential to the practice of journalism.

As used in this Policy, “Student Media” is any means of communication that are (1) prepared, substantially written, published, or broadcasted by a student; (2) distributed or generally made available, either free of charge or for a fee, to members of the student body; and (3) prepared under the direction of a student media advisor. Student Media does not include media that is intended for distribution or transmission solely in the classroom in which it is produced.

As used in this Policy, “Student Media Advisor” is an individual who is employed, appointed, or designated by the District to supervise or provide instruction with respect to Student Media.

All Student Media that are supported financially by the school or by use of school facilities, or are produced in conjunction with a class shall be considered school-sponsored media. School-sponsored media does not provide a forum for public expression. Student Media is subject to the following limitations:

1. Advertising may be accepted for media that does not condone or promote products that are inappropriate for the age and maturity of the audience or that endorses such things as tobacco, alcohol, or drugs.
2. Media may be regulated to prohibit communications determined by the appropriate teacher and/or Student Media Advisor to be ungrammatical; poorly written; inadequately researched; biased or prejudiced; vulgar or profane; or unsuitable for immature audiences.
3. Media may be regulated to prohibit the dissemination of material that may reasonably be perceived to advocate drug or alcohol use; irresponsible sex; conduct that is otherwise inconsistent with the shared values of a civilized social order; or to associate the school with any position other than neutrality on matters of political controversy.
4. Prohibited publications include media includes those that:
  - a. Are obscene as to minors;
  - b. Are libelous or slanderous, including material containing defamatory falsehoods about public figures or governmental officials, and made with knowledge of their falsity or a reckless disregard of the truth;
  - c. Constitute an unwarranted invasion of privacy as defined by state law;
  - d. So incite students as to create a clear and present danger of the commission of unlawful acts on the school premises;
  - e. So incite students as to create the violation of lawful school regulations;
  - f. So incite students as to create the material and substantial disruption of the orderly operation of the school;

- g. Attacks ethnic, religious, or racial groups; or
- h. Harass, threaten, or intimidate a student.

Student Media displayed on school web pages shall follow the same guidelines as listed above and shall also:

- 1. Adhere to any restrictions regarding use of directory information, including not using a student's photograph when associated with the student's name unless written permission has been received from the student's parent or student if over the age of 18;
- 2. State that the views expressed are not necessarily those of the School Board or the employees of the District.

Student Media may be distributed at the following times and places:

- 1. Before and after school;
- 2. At recess;
- 3. During school hours, but only passively at designated tables;
- 4. In the hallways during non-instructional time, but only at middle and secondary schools;
- 5. In the cafeterias during non-instructional time and designated lunch periods, but only at middle and secondary schools; and
- 6. As further authorized by a building principal in a manner that is content and viewpoint neutral and that does not cause a substantial disruption of the orderly education environment.

### **Student Distribution of Non-school Literature, Publications, and Materials**

A student or group of students who distribute ten or fewer copies of the same non-school literature, publications, or materials (hereinafter "non-school materials"), shall do so in a time, place, and manner that does not cause a substantial disruption of the orderly education environment. A student or group of students wishing to distribute more than ten copies of non-school materials shall have school authorities review their non-school materials at least three school days in advance of their desired time of dissemination. School authorities shall review the non-school materials, prior to their distribution and will bar from distribution those non-school materials that are obscene, libelous, pervasively indecent, or advertise unlawful products or services. Material may also be barred from distribution if there is evidence that reasonably supports a forecast that a substantial disruption of the orderly operation of the school or educational environment will likely result from the distribution. Concerns related to any denial of distribution by the principal shall be heard by the superintendent, whose decision shall be final. The time, place, and manner of distributing non-school materials is governed by the time, place, and manner provisions for distributing Student Media.

Legal References:      A.C.A. § 6-18-1202, 1203, & 1204  
                                   *Tinker v. Des Moines ISD*, 393 U.S. 503 (1969)  
                                   *Bethel School District No. 403 v. Fraser*, 478 U.S. 675 (1986)  
                                   *Hazelwood School District v. Kuhlmeier*, 484 U.S. 260 (1988)

Additional Reference: ASBA Model Policies

Date Adopted: 5-20-2019

Date Revised: