

Students

School-Sponsored Student Publications and Activities

~~I. Purpose~~

~~This policy protects students' rights to free speech in the production of official school district publications and activities, while at the same time balancing the district's role in supervising student publications and alignment with the district's mission.~~

~~II. General Statement of Policy~~

~~A. Students producing official school publications and activities are under the supervision of a faculty advisor and the school principal. Official publications and activities are subject to the guidelines set forth below.~~

~~B. Expressions and representations made by students in school-sponsored publications and activities are not expressions of official school district views. Faculty advisors will supervise student writers to ensure compliance with the law and district policies.~~

~~C. The district may exercise editorial control over the style and content of student expression in school-sponsored publications and activities.~~

~~D. 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 superintendent. The superintendent will issue a decision no later than three (3) school days after review is requested.~~

~~E. Official school publications may be distributed at reasonable times and locations.~~

~~III. Definitions~~

~~A. "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 material, or placing materials in internal mailboxes or through electronic distribution.~~

~~B. "Official school publications" means material intended for distribution from print or electronic sources including, but not limited to, school newspapers,~~

~~yearbooks or material produced in classes, or school-sponsored activities.~~

~~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 such as intimate sexual acts (normal or perverted), masturbation, excretory functions, or lewd exhibition of the genitals; 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 18.~~

~~E. "Material and substantial disruption" of a normal school activity means:~~

- ~~1. Where the normal school activity is an educational program of the school district for which student attendance is compulsory, "material and substantial disruption" is defined as any disruption that interferes with or impedes the implementation of that program.~~
- ~~2. Where the normal school activity is voluntary in nature (including, without limitation, school athletic events, school plays and concerts, and lunch periods) "material and substantial disruption" is defined as student rioting, unlawful seizures of property, conduct inappropriate to the event, participation in a school boycott, demonstration, sit-in, stand-in, walk-out, or other related forms of 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 including, but not limited to, classroom work, media activities, physical education classes, official assemblies and other similar gatherings, school athletic contests, fine arts presentations, and in school lunch periods.~~

~~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 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 so long as the district's actions are reasonably related to legitimate pedagogical concerns. These may include, but are not limited to, the following:~~

- ~~1. ensuring that participants learn whatever lessons the activity is designed to teach;~~
- ~~2. ensuring that readers or listeners are not exposed to material that may be inappropriate for their level of maturity;~~
- ~~3. ensuring that the views of the individual speaker are not erroneously attributed to the school;~~
- ~~4. ensuring that the school is not associated with any position other than neutrality on matters of political controversy;~~
- ~~5. ensuring that the sponsored student speech cannot reasonably be perceived to advocate conduct otherwise inconsistent with the shared values of a civilized social order;~~
- ~~6. ensuring that 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.~~

~~C. Time, Place and Manner of Distribution~~

~~Students will be permitted to distribute publications at school as follows:~~

~~1. Time~~

~~Distribution will not occur during class hours.~~

~~2. Place~~

~~Publications may be distributed in locations so as not to interfere with the normal flow of traffic within the school hallways, walkways, entryways and parking lots. Distribution will not impede entrance to or exit from school premises in any way.~~

~~3. Manner~~

~~No one will induce or coerce a student or staff member to accept a student publication.~~

~~Legal References:~~

~~U. S. Const., amend. 1~~

~~*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)~~

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

~~Cross References:~~

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

~~Policy 506 (Student Discipline)~~

~~Policy 634 (Electronic Technologies Acceptable Use)~~

~~Policy 904 (Distribution of Materials on School District Property by Nondistrict Persons — or Organizations)~~

I. Purpose

This policy addresses students' rights to freedom of speech and freedom of the press in the production and distribution of school-sponsored media while balancing the school district's role in supervising school-sponsored media and the operation of the district. This policy is designed to ensure all students enjoy the freedoms of speech and press within the confines of the law and to encourage responsible student journalism.

II. Definitions

For purposes of this policy, the definitions included in this section apply.

- A. “Defamatory” means a false and unprivileged statement to a third person about an individual that tends to harm the individual’s reputation or lower that individual in the esteem of the community.
- B. “Distribute” means to hand out, offer, circulate, post, display, or otherwise disseminate media to multiple students, regardless of whether the media is free or provided for a charge.
- C. “Material and substantial disruption” means a significant disruption to the learning process, to the rights of others to an education, to school operations, to the ability of any school district employee to perform their duties, or to the operation of any school-sponsored event or activity. It also includes conduct that creates an immediate danger to self or others or incites unlawful conduct. District officials may reasonably forecast a material and substantial disruption based on factors such as past experience in the school, current events influencing student activities and behaviors, and threatened disruption related to the school-sponsored media in question.
- D. “Prior restraint” means a prohibition under threat of adverse action by the district or a district employee on a student journalist producing, publishing, or distributing school-sponsored media before it has been produced, published, or distributed to its intended audience.
- E. “School-sponsored media” means any material that is:
 - 1. Prepared, wholly or substantially written, published, broadcast, or otherwise disseminated, in any media form, by a student journalist;
 - 2. Distributed or generally made available to students in the school; and
 - 3. Prepared by a student journalist under the supervision of a student media advisor.

School-sponsored media does not include material prepared solely for distribution or transmission in the classroom in which the material is produced or a yearbook.

- F. “Student journalist” means a school student in grades 6 through 12 who gathers, compiles, writes, edits, photographs, records, or otherwise prepares information for dissemination in school-sponsored media.
- G. “Student media advisor” means a qualified teacher, as defined in state law,

that the district employs, appoints, or designates to supervise student journalists or provide instruction related to school-sponsored media.

- H. “Obscene” means a work that, taken as a whole, appeals to the prurient interest in sex and depicts or describes in a patently offensive manner sexual conduct and that, taken as a whole, does not have serious literary, artistic, political, or scientific value.

III. Guidelines

A. Protected Student Expression

Except as provided in Section III.B, a student journalist has the right to exercise the freedoms of speech and press in school-sponsored media regardless of whether the school-sponsored media receives financial support from the school district, uses district equipment or facilities in its production, or is produced as part of a class or course in which the student journalist is enrolled. These freedoms include the freedom to express political viewpoints. Subject to Section III.B, student journalists have the right to determine the news, opinion, feature, and advertising content of school-sponsored media. The district will not discipline a student journalist for exercising rights or freedoms consistent with this policy or under the First Amendment of the United States Constitution.

B. Unprotected and Prohibited Student Expression

This policy does not authorize or protect and expressly prohibits student expression in school-sponsored media that:

1. Is obscene to minors;
2. Is defamatory;
3. Is profane, harassing, threatening, or intimidating;
4. Constitutes an unwarranted invasion of privacy;
5. Violates federal or state law or district policies or rules, including but not limited to policies on harassment, discrimination, violence, and bullying;
6. Is directed at inciting or producing imminent lawless action on district property or violation of district policies or rules, including but not limited to policies on harassment, discrimination, violence, and bullying;

7. Causes a material and substantial disruption to district activities;
8. Advertises or promotes any product or service that is unlawful for purchase or use by minors; or
9. Is distributed or displayed in violation of the time, place, and manner regulations in Section III.D.

C. Student Media Advisors

Student media advisors will oversee student journalism in accordance with the terms of this policy. The district will not retaliate or take adverse employment action against a student media adviser for supporting a student journalist exercising rights or freedoms under Section III.A or the First Amendment of the United States Constitution.

Nothing in this policy inhibits a student media advisor from teaching professional standards of English and journalism to student journalists. These professional standards may include, but are not limited to, the following:

1. Ensuring students or participants learn the lessons the activity is designed to teach and/or conform to the learning objectives of the activity;
2. Ensuring that the intended audience of school-sponsored media is not exposed to material that may be inappropriate for its level of maturity;
3. Ensuring that the views of the student journalist or individuals represented in the school-sponsored media are not erroneously attributed to the district or another individual or entity;
4. Ensuring that school-sponsored media is grammatical, proofread, edited, well-researched, factually accurate, and objective.

D. Time, Place, and Manner of Distribution

Students will be permitted to distribute school-sponsored media at school as follows:

1. ~~Time~~-Distribution will not occur during class hours.
2. ~~Place~~-School-sponsored media may be distributed in locations so as not to interfere with or impede the normal flow of traffic in school hallways, walkways, entryways, or parking lots and, if electronically

distributed, so as to not interfere with the district's technology systems.

3. ~~Manner~~—No one will induce or coerce a student or staff member to accept school-sponsored media.

E. No Representation of the District

No expression made by student journalists, whether protected or unprotected, or in school-sponsored media will be deemed to be an expression or representation of or by the district.

IV. Prior Restraint

The school district does not authorize prior restraint on school-sponsored media except as consistent with this policy.

Student journalists who believe their rights under this policy have been improperly restrained may, in a timely fashion, seek review of the prior restraint by the school's principal. To complete this review, the principal or designee may review the material subject to the student journalist's report and any other information deemed relevant, including consulting with the student media advisor and anyone else with relevant information on the reported prior restraint. The principal will issue a determination as to whether the reported prior restraint is consistent with this policy as soon as reasonably possible in an effort to avoid an improper prior restraint. The principal's determination will be final, except that the superintendent may, in the superintendent's sole discretion, review and revise the determination.

Legal References:

U.S. Const. Amend. I

Minn. Const. Art. 1, § 3

Minn. Stat. § 121A.16

Minn. Stat. § 121A.80

Tinker v. Des Moines Indep. Community Sch. Dist., 393 U.S. 503 (1969).

Hazelwood Sch. Dist. v. Kuhlmeier, 484 U.S. 260 (1988).

Bethel Sch. Dist. v. Fraser, 478 U.S. 675 (1986).

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

Cross References:

Policy 506 (Student Conduct and Discipline)

Policy 524 (Electronic Technologies Acceptable Use)

Policy 904 (Distribution or Display of Materials on School District Property)

Policy
adopted: 1/22/08
amended: 4/09/12
revised: 11/17/14
restated: __/__/__

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Edina, Minnesota