

## Document Status: Draft Update

### STUDENTS

#### 7:315 Restrictions on Publications; High Schools

##### Definitions [PRESSPlus1](#)

Libel means the willful or negligent publication of provably false and unprivileged statements of fact that do demonstrable harm to a living person's reputation.

Obscene means lewd; impure; indecent; calculated to shock the moral sense of humans by a disregard of chastity or modesty. Objectionable or offensive to accepted standards of decency.

*School official* means a Building Principal or designee.

*School-sponsored media* means any material that is prepared, substantially written, published, or broadcast by a student journalist, distributed or generally made available to members of the student body, and prepared under the direction of a student media advisor. It does not include media intended for distribution or transmission solely in the classroom in which the media is produced.

Slander means the speaking of false statements of fact that seriously harm a living person's reputation.

*Student journalist* means a public high school student who gathers, compiles, writes, edits, photographs, records, or prepares information for dissemination in school-sponsored media.

*Student media adviser* means an individual employed, appointed, or designated by the District to supervise or provide instruction relating to school-sponsored media.

##### School-Sponsored Media

School-sponsored publications, productions, and websites are governed by the Speech Rights of Student Journalists Act and ~~the~~ Board of Education policies, and student journalists are responsible for determining the news, opinion, feature, and advertising content of those publications, productions, and websites.

Student journalists must: [PRESSPlus2](#)

1. Make decisions based upon news value and guided by the Code of Ethics provided by the Society of Professional Journalists, National Scholastic Press Association, Journalism Education Association, or other relevant group;
2. Produce media based upon professional standards of accuracy, objectivity, and fairness;
3. Review material to improve sentence structure, grammar, spelling, and punctuation;
4. Check and verify all facts and verify the accuracy of all quotations;
5. In the use of personal opinions, editorial statements, and/or letters to the editor, provide opportunity and space for the expression of differing opinions within the same media to align with the District's media literacy curriculum mandate in 105 ILCS 5/27-20.08;<sup>Q1</sup> and
6. Include an author's name with any personal opinions and editorial statements, if appropriate.

Student journalists may not create, produce, or distribute~~use~~ school-sponsored media that:

1. Is libelous, slanderous, or obscene;
2. Constitutes an unwarranted invasion of privacy;
3. Violates federal or State law, including the Constitutional rights of third parties; or
4. Incites students to:
  - a. Commit an unlawful act;
  - b. Violate any of the District's policies, ~~including but not limited to (1) its educational mission in policies 1:30, School District Philosophy and 6:10, Educational Philosophy and Objectives, and (2) speech that is socially inappropriate or inappropriate due to the maturity of the students pursuant to policies 6:65, Student Social and Emotional Development, and 7:180, Prevention of and Response to Bullying, Intimidation, and Harassment;~~<sup>Q2</sup> or
  - c. Materially and substantially disrupt the orderly operation of the school.

~~All school-sponsored media shall comply with the ethics and rules of responsible journalism. The District will not engage in prior restraint of material prepared by student journalists for school-sponsored media, unless the material~~ Text that fits into numbers one of the four prohibited categories listed (1) through four (4) above, in which case will not be tolerated and school officials ~~the Superintendent or designee and/or student media advisers~~ may review, edit, and or delete such media material before publication or distribution of the media.<sup>Q3</sup>

~~The author's name will accompany personal opinions and editorial statements. An opportunity for the expression of differing opinions from those published/produced will be provided within the same media.~~

No expression made by students in the exercise of freedom of speech or freedom of the press under this policy shall be deemed to be an expression of the District or an expression of Board policy.

### Non-School Sponsored Publications Accessed or Distributed On Campus

For purposes of this section and the following section, a *publication* includes, without limitation: (1) written or electronic print material, (2) audio-visual material on any medium including electromagnetic media (e.g., images, digital files MP3 files, flash memory, etc.), or combinations of these whether off-line (e.g., a printed book, digital files CD-ROM, etc.) or online (e.g., any website, social networking site, database for information retrieval, etc.), or (3) information or material on electronic devices (e.g., text data or voice messages delivered by cell phones, tablets, and other hand-held devices).

Creating, distributing, and/or accessing non-school sponsored publications shall occur at a time and place and in a manner that will not cause disruption, be coercive, or result in the perception that the distribution or the publication is endorsed by the School District.

Students are prohibited from creating, distributing, and/or accessing at school any publication that:

1. Will cause a material and substantial disruption of the proper and orderly operation and discipline of the school or school activities;
2. Violates the rights of others, including but not limited to material that is libelous, slanderous or obscene, or invades the privacy of others, or infringes on a copyright;
3. Is socially inappropriate or inappropriate due to maturity level of the students, including but not limited to material that is obscene, pornographic, or pervasively lewd and vulgar, contains indecent and vulgar language, or *sexting* as defined by Board of Education policy and Student Handbooks;
4. Is reasonably viewed as promoting illegal drug use;
5. Is distributed in kindergarten through eighth grade and is primarily prepared by non-students, unless it is being used for school purposes. However, material from outside sources or the citation to such sources may be allowed, as long as the material to be distributed or accessed is primarily prepared by students; or
6. Incites students to violate any Board policies.

Accessing or distributing *on-campus* includes accessing or distributing on school property or at school-related activities. A student engages in gross disobedience and misconduct and may be disciplined for: (1) accessing or distributing forbidden material, or (2) for writing, creating, or publishing such material intending for it to be accessed or distributed at school.

### Non-School Sponsored Publications Accessed or Distributed Off-Campus

A student engages in gross disobedience and misconduct and may be disciplined for creating and/or distributing a publication that: (1) causes a substantial disruption or a foreseeable risk of a substantial disruption to school operations, or (2) interferes with the rights of other students or staff members.

### Bullying and Cyberbullying

The Superintendent or designee shall treat behavior that is *bullying* and/or *cyberbullying* according to Board policy 7:180, *Prevention of and Response to Bullying, Intimidation, and Harassment*, in addition to any response required by this policy.

### LEGAL REF.:

105 ILCS 5/27-20.08 and 5/27-23.7.

~~Speech Rights of Student Journalists Act,~~ 105 ILCS 80/, Speech Rights of Student Journalists Act.

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

Hazelwood v. Kuhlmeier, 408 S.Ct. 562 484 U.S. 260 (1988).

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

Hedges v. Wauconda Cmty.ommunity Unit Sch.ool Dist. No. 118, 9 F.3d 1295 (7th Cir. 1993).

~~Tinker v. Des Moines Indep. Cmty. Sch. Dist., 89 S.Ct. 733 (1969)~~

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

CROSS REF.: 1:30 (School District Philosophy), 6:10 (Educational Philosophy and Objectives), 6:65 (Student Social and Emotional Development), 6:235 (Access to Electronic Networks), 7:180 (Prevention of and Response to Bullying, Intimidation, and Harassment), 8:25 (Advertising and Distributing Materials in Schools Provided by Non-School Related Entities)

### Questions and Answers:

\*\*\*Required Question 1. Number 5 in the list is intended to align with the *media literacy* curriculum mandate for students in grades 9 through 12 that starts in the fall of 2022 and is listed at 105 ILCS 5/27-20.08, added by P.A. 102-55, and policy 6:60, *Curriculum Content*. *Media literacy* means the ability to access, analyze, evaluate, create, and communicate using a variety of objective forms, including, but not limited to, print,

visual, audio, interactive, and digital texts. Id. Media literacy instruction must include a component on social responsibility and civics that includes “[s]uggesting a plan of action in the class, school, or community to engage others in a respectful, thoughtful, and inclusive dialogue over a specific issue using facts and reason.” Providing opportunity and space for expression of differing opinions in media aligns with and promotes this inclusive dialog.

For boards that provide student journalists more flexibility, IASB will make the following three edits: (1) replace “Student journalists must” with: “Student journalists shall strive to.” (2) amend number 5 to read: “In the use of personal opinions, editorial statements, and/or letters to the editor, determine the need to provide opportunity and space for the expression of differing opinions within the same media to align with the District’s media literacy curriculum mandate in in 105 ILCS 5/27-20”, and (3) delete number 6.

Would the board like to provide student journalists more flexibility?

- No (default)
- Yes (IASB will make the edits described above.)

**\*\*\*Required Question 2.** 105 ILCS 80/15 broadly allows school boards to limit speech that would incite violation of any policy. This policy language follows the statute. Policies most often needing assessment are those that involve a district’s educational mission and philosophy and social appropriateness language for student body’s age(s)/maturity. School officials must be careful to understand that that law is written that student journalists using media to *incite* other students to act a certain way is the exception. Additional text may be added to (1) underscore that 105 ILCS 80/15 does not authorize or protect expression that *incites* students to violate board policies, and (2) reminds students and the community that school officials have many legal obligations to implement and enforce specific board policies and ensure school environments are safe and conducive to learning.

While 105 ILCS 80/20 limits liability of school districts for a student journalist’s expression, except in cases of willful or wanton misconduct, discuss with the board attorney how to balance the rights of student journalists under this law and the other policy implementation duties that face school officials with board policies and laws.

For boards that want to provide additional text to the word-for-word statutory language in their policies, IASB will add to item 4.b:

, including but not limited to (1) its educational mission in policies 1:30, *School District Philosophy* and 6:10, *Educational Philosophy and Objectives*, and (2) speech that is socially inappropriate or inappropriate due to the maturity of the students pursuant to policies 6:65, *Student Social and Emotional Development* and 7:180 *Prevention of and Response to Bullying, Intimidation, and Harassment*.

Would the board like to provide additional text to the word-for-word statutory language in this policy?

- No (default)
- Yes (IASB will add the text shown above.)

**\*\*\*Required Question 3.** 105 ILCS 80/10 requires school officials to show justification without undue delay before limiting student expression. For boards that want the student media advisor to provide student journalists with written justification prior to limiting materials, insert the following sentence to end the paragraph:

In such cases, the student media adviser will promptly provide the student journalist with a written justification prior to limiting the material.

Does the board want the student media advisor to provide student journalists with written justification prior to limiting materials?

- No (default)
- Yes (IASB will add the sentence shown above.)

### **PRESSPlus Comments**

**PRESSPlus 1.** This policy is updated in response to feedback from the Student Law Press Center, a national non-profit student journalist advocacy group, and from Ill. Council of School Attorneys (ICSA) members. **Issue 108, November 2021**

**PRESSPlus 2.** Consult the board attorney about text that balances the student journalists' rights to have control of their media publications with the board's interests in (a) ensuring differing opinions are published, (b) this Act, and (c) providing student journalists opportunities to apply the upcoming Illinois media literacy curriculum mandates. **Issue 108, November 2021**