

# DRAFT UPDATE – NEW

7:315

## Students

### Restrictions on Publications; High Schools

#### Definitions

*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.

*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 Cooperative to supervise or provide instruction relating to school-sponsored media.

#### School-Sponsored Media Publications and Web Sites

School-sponsored publications, productions, and web-sites are governed by the Speech Rights of Student Journalists Act and the School Board policies ~~part of the curriculum and are not a public forum for general student use~~. Student journalists may not 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 is inconsistent with any of the Cooperative's policies, including but not limited to~~ (1) its educational mission in policies 1:30, *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*; or
  - c. Materially and substantially disrupt the orderly operation of the school.

All school-sponsored ~~media communications~~ shall comply with the ethics and rules of responsible journalism. Text that fits into numbers one (1) through four (4) above is libelous, obscene, vulgar, lewd, invades the privacy of others, conflicts with the basic educational mission of the school, is socially inappropriate, is inappropriate due to the maturity of the students, or is materially disruptive to the educational process will not be tolerated and school officials and student media advisers may edit or delete such media material.

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 Cooperative or an expression of Board policy.

#### Comment [APowell1]:

This policy is based upon formerly-titled PRESS policy 7:310, *Restrictions on Publications*. It is named to reflect its applicability to high school students only.

High school Cooperatives should delete their former policy 7:310, *Restrictions on Publications* and adopt only this policy, 7:315 *Restrictions on Publications; High Schools*.

Unit Cooperatives should adopt both policy 7:310 and 7:315.

The updates are in response to the Speech Rights of Student Journalists Act, 105 ILCS 80/1, added by P.A. 99-678. The law significantly watered down *Hazelwood restrictions* for public high school students in Illinois. While *Hazelwood* was not explicitly overturned by this Act and may still have some applicability in certain situations, school officials must consult their board attorneys before prior restraint of student publications.

Issue 93, October 2016

Comment [APowell2]: This text (1) underscores 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.

OPTION: For boards that only want the word-for-word statutory language in this policy, delete: ~~including but not limited to (1) its educational mission in policies 1:30, *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*.~~

Issue 93, October 2016

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### 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, MP3 files, flash memory, etc.), or combinations of these whether off-line (e.g., a printed book, 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., 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 Cooperative.

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 School Board policy and Student Handbooks;
4. Is reasonably viewed as promoting illegal drug use; ~~or~~
5. ~~Is distributed in kindergarten through eighth grade and is primarily prepared by non-students, unless it is being used for school purposes. However, Nothing herein shall be interpreted to prevent the inclusion of 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~~
- 5-6. ~~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 Director 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.

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LEGAL REF.: 105 ILCS 5/27-23.7  
Speech Rights of Student Journalists Act, 105 ILCS 80/  
Hazelwood v. Kuhlmeier, 108 S.Ct. 562 (1988).  
Hedges v. Wauconda Community Unit School 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 (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 School Provided by Non-School Related Entities)

ADOPTED: