

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. I

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)

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

INDEPENDENT SCHOOL DISTRICT 273
Edina, Minnesota