| Merchantville Board of Education<br>130 South Centre Street<br>Merchantville, NJ 08109 | File Code : 6145.3<br>Adopted : 04/17/1984<br>Revised : 05/15/2023<br>Reviewed : 07/15/2024 |
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**Publications**

The board of education sponsors pupil publications as important elements of the instructional program. Pupils are encouraged to develop skills of written and verbal communication and to exercise the right to express their opinions freely and responsibly.

The rights of free speech, and free expression of pupils in public schools pursuant to the First Amendment, are not automatically coextensive with the rights of adults in other settings and shall be applied in light of the special characteristics of the school environment. The board of education reserves the right to exercise prepublication control over school-sponsored publications through administrative staff and faculty. Pupils shall have the right to appeal the exercise of censorship by school district staff to the board of education.

Pupil expression may be restricted if it can be determined that such expression is inconsistent with the basic educational mission of the school district and when censorship action is reasonably related to legitimate educational concerns.

Pupils who violate this policy by expression, publication or distribution of any materials which are biased or prejudiced, vulgar or profane, unsuitable for immature audiences, or which do not meet the school district's high standards of learning and propriety consistent with its educational goals and objectives may be subject to appropriate discipline.

This policy shall be implemented in accordance with regulations to be developed by the chief school administrator. The regulations shall:

A. Identify school district staff responsible for pupil publications;

B. Establish procedures for prepublication review; and

C. Specify procedures for appeal by pupils to the board of education with provisions for prompt decisions to be made at each level.

Student Freedom of Expression

It is the policy of this district to ensure all students enjoy free speech and free press protections related to school-sponsored media, and to encourage students to become educated, informed and responsible members of society.

No expression made by students in the exercise of free speech or free press rights shall be deemed to be an expression of school or district policy.

Definitions

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

"Student journalist" means a public 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 a school district to supervise or provide instruction relating to school-sponsored media.

Except as otherwise provided in this policy, a student journalist has the right to exercise freedom of speech and of the press in school-sponsored media, regardless of whether the media is supported financially by the school district or by use of school district facilities, or produced in conjunction with a class in which the student is enrolled. A student journalist is responsible for determining the news, opinion, feature, and advertising content of school-sponsored media. This shall not be construed to prevent a student media adviser from teaching professional standards of English and journalism to student journalists.

School-Sponsored Student Media

Student journalists are responsible for determining the news, opinion, feature, and advertising content of school-sponsored student media. Student journalists may create an editorial hierarchy (e.g, student editorial board, editor in chief, section editors, etc.) for determining content.

Student journalists shall strive to:

A. 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;

B. Produce media based upon professional standards of accuracy, objectivity, and fairness;

C. Review material to improve sentence structure, grammar, spelling, and punctuation;

D. Check and verify all facts and verify the accuracy of all quotations; and

E. In the use of editorials or letters to the editor concerning controversial issues, determine the need for rebuttal comments and opinions and provide space therefore if appropriate.

No student journalist shall be disciplined, restrained, or otherwise censored, penalized, or punished when acting in accordance with this section. There shall be no prior restraint by any person of material prepared for school-sponsored media unless it falls within one of the exceptions, listed below.

No student shall be sanctioned for operating as an independent journalist.

Administrative prior review shall be rare, if it occurs at all. Sound pedagogical, ethical and legal rationale exist opposing all forms of prior review. Any reason for such prior review shall be clearly communicated to the student journalist in writing at the time student media is restrained, and at no time will school-sponsored student media be held for review longer than 72 hours or more than 24 hours beyond the publication deadline time as established by the student journalist, whichever comes first. Any costs borne by the student media program as a result of delays pertaining to administrative prior review shall be covered by the school.

Student Media Advisers

Student media advisers are responsible for working with and providing guidance to student journalists. Student media advisers provide training in journalistic principles and access to necessary resources, including but not limited to training in journalistic ethics and media law.

Student media advisers may provide feedback to students including teaching professional standards of English and journalism. Student media advisers are do not determine, assign, or approve the content of student media, except if the adviser believes the student media has met the criteria for exclusion listed in “Exceptions” below. Such decisions are subject to the appeal process, outlined below.

In the event a student media adviser is not previously trained in journalism, appropriate professional development will be made available by the school district, preferably through the state’s journalism education association, the national Journalism Education Association or other recognized entity aimed at supporting media advisers.

A student media adviser may not be dismissed, suspended, disciplined, reassigned, transferred, or otherwise retaliated against for acting to protect a student journalist engaged in permissible conduct or refusing to infringe on conduct that is protected by the First Amendment to the United States Constitution, paragraph 6 of Article I of the New Jersey State Constitution, N.J.S.A. 18A:36-45, or this policy. No financial decisions relating to the student media program may be based, in whole or in part, on the past, present, or potential content of school-sponsored student media.

Exceptions

This policy does not authorize or protect school-sponsored media that:

A. Is libelous or slanderous;

B. Constitutes an unwarranted invasion of privacy;

C. Is profane or obscene;

D. Violates federal or state law; or

E. So incites students as to create a clear and present danger of the commission of an unlawful act, the violation of a lawful school district policy, or the material and substantial disruption of the orderly operation of the school.

If, in the opinion of a student editor, student editorial staff or faculty adviser, material proposed for a publication may fall within the list of exceptions, above, the board attorney shall be consulted. The final decision of whether the material is to be published or distributed will be left to the student editor or student editorial staff.

District officials must base a forecast of material and substantial disruption on specific facts, including past experience in the school and current events influencing student behavior, and not on undifferentiated fear or apprehension. In determining whether student media is disruptive, consideration must be given to the context of the distribution as well as the content of the material. Consideration should be given to past experience in the school with similar material, past experience in the school in dealing with and supervising the students in the school, current events influencing student attitudes and behavior, and whether there have been any instances of

actual or threatened disruption prior to or contemporaneously with the dissemination of the student publication in question. Actual or potential heated discussion or debate alone is not sufficient evidence of a material and substantial disruption.

District officials shall have the burden of providing to the student journalist prior written justification for their limitation of school-sponsored media.

Appeals

The student journalist shall have the right, within five business days of receiving the written reason for limitation of school-sponsored student media, to appeal the decision to the chief school administrator.

Appeals must be filed in writing. The chief school administrator shall convene a hearing within five business days. The student journalist shall have the right to have the student's parent or legal guardian and the student media adviser present. The burden of proof shall be on the principal or his or her appointed representative to demonstrate that the media in question has met the criteria for exclusion. The chief school administrator shall render a written decision within 48 hours of the hearing.

The student journalist shall have the right, within five business days of receiving the chief school administrator's written decision, to appeal to the school board. The school board shall hear the appeal at the next regularly scheduled board meeting, or within 10 business days, whichever comes first. The school board shall render a written decision within 48 hours of the hearing.

The decision of the board shall be considered the final determination.

Web Sites

School-sponsored web sites are also subject to this policy and to the same regulatory constraints as are print publications.

Key Words

Publications, Student Publications

**Legal References:** N.J.S.A. 18A:11-1 General mandatory powers and duties
N.J.S.A. 18A:36-35 School Internet web sites; disclosure of certain student information prohibited
N.J.S.A. 18A:54-20 Powers of boards (county vocational schools)
N.J.A.C. 6A:8-3.1 et seq. Implementation of the Core Curriculum Content Standards

Tinker v. Des Moines Independent School District, 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)

Desilets v. Clearview Regional Board of Education, 137 N.J. 585 (1994)

**Possible Cross References:** *1111 District publications
5145 Rights
5145.2 Freedom of speech/expression
*5145.5 Photographs of pupils
*6142.10 Technology

*Indicates policy is included in the Critical Policy Reference Manual

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