

512 SCHOOL SPONSORED STUDENT PUBLICATIONS AND ACTIVITIES

I. PURPOSE

The purpose of this policy is to protect students' rights to free speech in production of official school publications and activities while at the same time balancing the School District's role in supervising student publications and the operation of public schools.

II. GENERAL STATEMENT OF POLICY

Expression and representations made by students in school publications is not an expression of official School District policy. Official school publications are free from prior restraint by officials except as provided by law. Faculty advisors shall supervise student writers to ensure compliance with the law and School District policies.

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

- B. Students who believe their right to free expression has been unreasonably restricted in an official publication may seek review of the decision by the building principal. The principal shall issue a decision no later than three (3) school days after review is requested.
 - 1. Students producing official school publications shall be under the supervision of a faculty advisor and the school principal. Official publications shall be subject to the guidelines set forth below.
 - 2. Official school publications may be distributed at reasonable times and locations.

III. DEFINITIONS

- A. "Distribution" means circulation or dissemination of printed or electronic material by means of handing out free copies, selling or offering copies for sale, accepting donations for copies, or posting or displaying material.

- B. “Official school publications” means school newspapers, yearbooks, printed or electronic material produced in communication, journalism or other writing classes as a part of the curriculum.
- C. Minor” means any person under the age of eighteen (18).
- D. “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, and lewd exhibition of the genitals; and
 3. The material, taken as a whole, lacks serious literary, artistic, political, or scientific value for minors.
- E. “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 which interferes with or impedes the implementation of that program.
 2. Where the normal school activity is voluntary in nature (including, without limitation, school athletic/academic 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/electronic material in question.
- F. “School activities” means any activity of students sponsored by the school including, but not limited to, classroom work, library activities, physical education classes, official assemblies and other similar gatherings, school athletic

contests, band concerts, school plays and other theatrical productions, 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 is prohibited when the material is:

1. obscene to minors;
2. 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 or violence or prejudice as prohibited by Board Policies 413, 514, or 522;
6. 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 school district’s actions are reasonably related to legitimate pedagogical concerns. These may include, but are not limited to, the following:

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

6. assuring 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 shall be permitted to distribute written materials at school as follows:

1. Time

Distribution of written materials shall be limited to the hours before the school day begins, during lunch hour and after school is dismissed.

2. Place

Written materials may be distributed in locations so as not to interfere with the normal flow of traffic within the school hallways, walkways, entry ways, and parking lots. Distribution shall not impede entrance to or exit from school premises in any way.

3. Manner

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

Legal References:

U.S. Constitution, First Amendment
Hazelwood School District v. Kuhlmeier, 484 U.S. 260 108 S.Ct. 562, 98 L.Ed.2d 592 (1988)
Bystrom v. Fridley High School, I.D.S. NO. 14, 822 F.2d 747 (8th Cir. 1987)
Morse v. Frederick, 551 U.S. 393, 127 S.Ct. 2618, 168 L.Ed.2d 290 (2007)

Cross References:

Board Policy 904 (Distribution of Materials on School District Property by Nonschool Persons)
Board Policy 505 (Distribution of Nonschool-Sponsored Materials on School Premises by Students and Employees)
Board Policy 506 (Student Discipline)

BOARD POLICY 512
St. Cloud Area School District 742
St. Cloud, Minnesota

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