

4.14—STUDENT PUBLICATIONS Media AND THE DISTRIBUTION OF LITERATURE

Student Publications Media

All ~~publications~~ student media that are supported financially by the school or by use of school facilities, or are produced in conjunction with a class shall be considered school-sponsored publications media. School-sponsored ~~publications do~~ media does not provide a forum for public expression. ~~Such publications~~ Student media, as well as the content of student expression in school-sponsored activities, shall be subject to the editorial ~~control~~ review of the District's administration, whose actions shall be reasonably related to legitimate pedagogical concerns and adhere to the following limitations:

1. Advertising may be accepted for publications media that does not condone or promote products that are inappropriate for the age and maturity of the audience or that endorses such things as tobacco, alcohol, or drugs.
2. Publications Media may be regulated to prohibit writings ~~which are, in the opinion of~~ determined by the appropriate teacher, student media advisor, and/or administrator, to be ungrammatical; poorly written; inadequately researched; biased or prejudiced; vulgar or profane; or unsuitable for immature audiences.
3. Publications Media may be regulated to ~~refuse to publish~~ prohibit the dissemination of material ~~which might~~ that may reasonably be perceived to advocate drug or alcohol use; irresponsible sex; ~~or~~ conduct that is otherwise inconsistent with the shared values of a civilized social order; or to associate the school with any position other than neutrality on matters of political controversy.
4. Prohibited ~~publications include~~ media includes those that:
 - a. ~~Those that are~~ Are obscene as to minors;
 - b. ~~Those that are~~ Are libelous or slanderous, including material containing defamatory falsehoods about public figures or governmental officials, ~~which are~~ and made with knowledge of their falsity or a reckless disregard of the truth;
 - c. ~~Those that constitute~~ Constitute an unwarranted invasion of privacy as defined by state law;
 - d. ~~Publications that suggest~~ Suggest or urge the commission of unlawful acts on the school premises;
 - e. ~~Publications which suggest~~ Suggest or urge the violation of lawful school regulations;
 - f. ~~Hate literature that scurrilously~~ Scurrilously Attacks ethnic, religious, or racial groups; or
 - g. Harass, threaten, or intimidate a student.

Student Publications Media on School Web Pages

Student ~~publications that are~~ media displayed on school web pages shall follow the same guidelines as listed above; ~~plus they~~ and shall also:

1. Not contain any non-educational advertisements. ~~Additionally, student web publications shall;~~
2. Adhere to the restrictions regarding use of Directory Information as prescribed in Policy 4.13 including not using a student's photograph when associated with the student's name unless written permission has been received from the student's parent or student if over the age of 18.
3. State that the views expressed are not necessarily those of the School Board or the employees of the district.

Student Distribution of Non-school Literature, Publications, and Materials

A student or group of students who distribute ten (10) or fewer copies of the same non-school literature, publications, or materials (hereinafter "non-school materials"), shall do so in a time, place, and manner that does not cause a substantial disruption of the orderly education environment. A student or group of students wishing to distribute more than ten (10) copies of non-school materials shall have school superintendent or designee review their non-school materials at least three (3) school days in advance of their desired time of dissemination. School superintendent shall review the non-school materials, prior to their distribution and will bar from distribution those non-school materials that are obscene, libelous, pervasively indecent, or advertise unlawful products or services. Material may also be barred from distribution if there is evidence that reasonably supports a forecast that a substantial disruption of the orderly operation of the school or educational environment will likely result from the distribution. Concerns related to any denial of distribution by the principal shall be heard by the superintendent, whose decision shall be final.

The school principal or designee shall establish reasonable regulations governing the time, place, and manner of student distribution of non-school materials.

The regulations shall:

1. Be narrowly drawn to promote orderly administration of school activities by preventing disruption and may not be designed to stifle expression;
2. Be uniformly applied to all forms of non-school materials;
3. Allow no interference with classes or school activities;
4. Specify times, places, and manner where distribution may and may not occur; and
5. Not inhibit a person's right to accept or reject any literature distributed in accordance with the regulations.
6. Students shall be responsible for the removal of excess literature that is left at the distribution point for more than 5 days.

The Superintendent, along with the student ~~publications~~ **media** advisors, shall develop administrative regulations for the implementation of this policy. The regulations shall include definitions of terms and timelines for the review of materials.

Notes: The ~~goals of the changes made to this policy, and especially~~ goal of the footnotes, are to assist principals in the implementation and enforcement of the policy by trying to improve the identification of the parameters of the policy. While the footnotes are not intended to be included in the distributed version of the policy, they should be helpful in adapting the policy for inclusion in the student handbook.

¹ You may change this number, but the inclusion of a number below which prior inspection is not required permits the exchange of such items as personal notes between students, CDs, party invitations, or birthday cards. The review requirement also applies to materials distributed at extracurricular events that are not intended primarily for adults.

² Consider naming the specific school authority (i.e. Superintendent, assistant superintendent, etc.) responsible for the review.

³ You may change this length of time to suit your district, but it may not exceed three days without putting the district at risk of facing a legal challenge that you are inhibiting free speech.

⁴ While you can prohibit material for the stated reasons, you may not do so merely because it contains a controversial message or content the district disagrees with.

⁵ The time, place, and manner of distribution may vary by the age of the students attending the school. For example, elementary schools may wish to have more narrowly tailored times and places for the distribution and restrict how the materials are made available. It is more difficult for elementary students to tell the difference between school-sponsored and non-school-sponsored materials which could affect who would be appropriate distributors of the materials. Schools also have the option of putting up a notice at the distribution site such as a designated table in a foyer or hallway that the materials do not represent the viewpoint of the school. You might also choose to add a qualifier permitting the principal to impose additional requirements when deemed appropriate to avoid disruption, congestion, or other problems that could be associated with the distribution.

⁶ Students are not to be coerced into taking non-school materials.

⁷ If you choose to include this optional sentence, select a reasonable amount of time for any specific item to be available at one stretch. Some materials could conceivably be appropriately left for distribution for significantly longer periods of time than other materials. You may also choose to add an additional sentence requiring the student(s) who distribute the materials to be responsible for picking up any materials thrown on school grounds.

⁸ In addition to being included in reviewing any amendments to the regulations resulting from this policy, the student media sponsors are required to be included when reviewing any proposed updates to this policy.

Legal References: A.C.A. § 6-18-1202, 1203, & 1204
Tinker v. Des Moines ISD, 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)

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